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# NOTES AND NEWS.

POPE PIUS XI.

THE death of Pope Pius XI (Achille Ratti), which occurred on Friday, the 10th of February, has been very widely deplored, not only by his own flock, but by Christians and non-Christians alike, wherever decency and honour are still respected.

Some of the warmest and most sincere tributes to his character have been paid by those in the Protestant churches.

One writer in the *Manchester Guardian* has truly said, that "all those who were privileged to know the Pope personally were impressed by the one outstanding quality of his character : a simple fresh manliness combined with extraordinary gentleness. He was far more conscious of being a simple priest than he was of being the Pope."

He had a special love for England, and expressed great admiration for our country and the sturdy independence of our people. He has been heard to speak of England as the classic land of liberty.

Achille Ratti was born on the 6th February, 1857, in the Lombard town of Desio, a few miles from Milan. As a boy, his character was deeply influenced by his uncle, Don Damiano Ratti, a zealous priest, with whom he spent his holidays at Asso. He was a studious youth of considerable ability, with a bent for the ecclesiastical life. He finished his vocational studies in the Collegio Lombardo at Rome, and was ordained priest in 1879.

His brilliance as a student marked him out for an academical career, and after a brief experience of pastoral work, he was for five years Professor of Theology in the Diocesan Seminary at Milan.

In 1888 he became assistant to Dr. Ceriani, the learned head of the Ambrosian Library, who was one of the leading orientalists in Europe. On the death of Ceriani, in 1907, Ratti was chosen as his successor, a post he held until 1910, when Pope Pius X called him to Rome to assist that other great scholar, Cardinal Franz Ehrle, the Prefect of the Vatican Library. During those thirty years of his priesthood, though living among books, Ratti never lost sight of the fact that he was a priest first and a scholar afterwards. For thirty years he was the devoted chaplain of the Cenacle Convent at Milan.

In 1906 Ratti paid a round of visits to the various religious houses of the Cenacle in Europe, and came to England, visiting London, Oxford and Cambridge. He also visited Manchester at the invitation of his friend, the late Louis Charles Casartelli, Bishop of Salford, who at once introduced him to the Rylands Library and its librarian. Ever after, Ratti retained vivid memories of his visit to Manchester, and after his election to the Papal Throne, if he discovered among his visitors to the Vatican any one who came from this northern metropolis, his face would light up with pleasure and he would talk in appreciative terms of his visit to the Rylands Library, and invariably would send back his cordial greetings, accompanied by messages of congratulation upon such discoveries as those of the earliest known biblical papyri, and upon other work with which he was kept regularly informed through the publications of the library. On a recent occasion, His Holiness graciously charged his messenger to convey to the library his Apostolic Benediction, and on yet another occasion he sent a large engraved portrait of himself which he autographed as he handed it to his messenger.

Achille Ratti was an intrepid mountaineer and he found relaxation from his duties as librarian and chaplain in those well-known Alpine climbs which have been published under the title, " Climbs on Alpine Peaks " (1923), every page of which bespeaks the writer's modesty, strength of character and physical endurance, not usually associated with the close indoor life of the scholar.

The quiet peaceful life of Milan was first broken in 1910, when Pius X summoned Ratti to Rome as assistant to the Prefect of the Vatican Library, whom he succeeded in 1914. It was with a wrench that he had to tear himself away from his work amongst the poor. All his life he had been a lover of children, and it was an edifying sight, we are told, to see the learned Prefect of the Ambrosian Library spending the afternoons of feast days teaching catechism to the ragged urchins he had brought together from all parts of the city into the Church of Saint Sepulcro. But at the Vatican Library he had more opportunity for literary and critical work, and his published writings, chiefly in the form of contributions to the transactions of learned societies, grew more prolific than ever.

In 1914 Ratti paid another visit to England to represent the Pope at the seventh centenary celebrations in honour of Roger Bacon, and another round of visits followed.

At the end of the Great War events in Ratti's life moved rapidly. In 1918 he was sent first as Apostolic Visitor and afterwards as Nuncio to Poland, and eventually to Russia to safeguard the interests of the Church. His strength of character, his tact, and his conciliatory temper marked him out for further advancement, and in 1921 he was made Archbishop of Milan, the city in which he had spent so many happy years of his life, and was raised to the Cardinalate. At that time Fascism was dawning.

In February, 1922, he was elected Pope, the 261st in the line of succession from St. Peter, to the delight of all lovers of learning and international peace.

He had nothing about him of the traditional diplomatist. His character was too simple, sincere, frank and straighforward, but he was easily moved to indignation by any attack on religion and would give vigorous expression to it.

One of the most noteworthy features of the reign of Pius XI was his fostering care of foreign missions. He was quick to realise that the Church was most prolific where native and not imported effort was most pronounced.

By the Lateran Treaty which was signed in 1929, after many years of negotiation, with its still more important Concordat, a better understanding between the Holy See and the Italian

State was brought about, to the intense relief of the whole of the Catholic Church.

The early years of the reign of Pius XI were comparatively peaceful, but later, storm clouds gathered and broke with considerable violence, notably in Mexico, in Malta, in Spain, and in Germany. As he grew older, the Pope's anxieties multiplied, and the persecution of the Church in Spain and in German caused him great sorrow. The ruthless persecution of the Jews was hateful to him, and the moral deterioration throughout Central Europe saddened his closing years.

Towards the end of 1936 the Pope was struck with a serious illness while taking part in a spiritual retreat. For several weeks his life was despaired of, but with remarkable courage he struggled against his affliction and gradually rallied, and he continued his labours unto the end, in spite of the precarious state of his health. To one of his clergy who was visiting him, he said : " Perhaps God is giving me what I have always lacked —the grace of Pain."

At the end of last year the Pope addressed an indirect reproach to countries denying individual liberty. He wrote : " In the name of God Himself the Catholic cries out against any civil philosophy which would degrade man to the position of a soulless pawn in the sordid game of power prestige, or would seek to banish him from membership of the human family."

Though a profound scholar, Pius XI was singularly modern in his outlook and interests. He kept a sensitive touch on the world's pulse. He felt keenly and expressed himself in his Encyclicals with a force that broke at times through the traditional mould of encyclical phraseology. Between 1922 and 1932 he wrote no fewer than twenty-three Encyclicals, of which two stand out as solid contributions to the Christian social needs of the times. The one treats of the Christian ideal in the education of youth, the other of Christian marriage in the light of modern problems.

Pius XI, on becoming Pope, chose as his motto, "Pax Christi in regno Christi." He lived to see the reign of Christ broken in Germany, and the peace of Christ broken in Italy. Throughout his Pontificate, mindful of the Great War, he consistently preached Peace. When war broke out against Abyssinia, he was criticized for not specifically condemning the Italians. Yet, for months beforehand, he had been condemning war in terms that pointed to the Italian attitude. During 1934 and 1935 he issued a condemnation of war as " infandum flagitium," which brought nothing but inflammation of social evils. In August, 1935, he publicly prayed at an audience that " God would scatter the nations that went to war." And in the same month he publicly defined the just limits of war of aggrandisement so minutely as to point out the injustice of the impending war between Italy and Abyssinia. Farther than that, as one authority has pointed out, he could not go after war had begun, for his immunity in the heart of the capital of a State of which he was independent can only be given and guaranteed at the price of non-interference in national crises.

Pius XI was the first librarian to be raised to the Papal Throne, and to the end of life he remained a librarian at heart. He was intensely gratified whenever he was referred to in that way.

He it was who was largely responsible for the reorganization of the Vatican Library. In 1928 the chief cataloguer of the Library of Congress at Washington and two assistants went to Rome, at the Pope's invitation, to assist in the installation of the system of cataloguing employed in the Congressional Library. A member of the Vatican staff, Monsignore Tisserant, who was made a Cardinal in 1937, and other members of the staff, travelled to Washington in order to study the proposed system on the spot.

The cordial relations between the Vatican and other libraries which ensued have resulted in the facilitation of access by scholars to some of the world's greatest literary treasures, which until the advent of Pius XI were much less accessible.

One of the most remarkable developments of the reign of Pius XI has been the softening of religious differences among Christians. Relations between the Roman Catholic and Protestant Churches have become those of a family who agree to differ on certain points of doctrine.

Pius XI was sent to guide the Church in one of the most difficult periods of the world's history, at a time when moral actions seemed to be breaking down all over the world, when the Church and Christianity were being attacked by the pagan philosophies of the new autocratic rulers of great nations.

His great spiritual qualities and his zeal for peace and tolerance won him a place in the hearts of all races and creeds.

POPE PIUS XII.

Cardinal Eugenio Pacelli, who had been Papal Secretary of State since 1930, was elected Pope in succession to Pius XI, at the third ballot, on the 2nd of March, which happened to be his 63rd birthday.

He has taken the title of Pius XII, and it is thought that in taking that title, he wishes to show that he will continue the work for peace so earnestly pursued by his predecessor, and will do his utmost to protest against persecution of any kind for religious beliefs, whether in totalitarian countries or elsewhere.

On Sunday, the 12th of March, the Pope's coronation took place on the balcony outside St. Peter's, in view of the vast concourse of at least half-a-million people.

Pius XII is the 262nd occupant of the Chair of St. Peter.

The Pope is a great linguist and speaks with ease the chief European languages. He is an orator of renown, and an experienced diplomatist, and his election has given great satisfaction to the democratic states.

The prayers, not only of his own flock, but also of many Christians that do not recognize his religious sovereignty will go with him in the great task he has assumed.

INSTALLATION OF CHANCELLOR AT LEEDS UNIVERSITY.

The installation of the present Duke of Devonshire as Chancellor of the University of Leeds in succession to his father, the late Duke, who held office for many years, which took place in the early part of January, was an event of more than passing interest to Manchester and the Rylands Library, since the Duke of Devonshire, for many years, has been one of the Rylands Trustees ; and the Vice-Chancellor who welcomed and installed the new Chancellor (Mr. B. Mouat Jones) before his appointment to Leeds was Principal of the Manchester College of Technology.

In his reply to the address of welcome the new Chancellor said : " We live to-day in a dark and uncertain world, a world in which it seems at times, even to the most optimistic, that civilisation is on the ebb. The outlook for everything in man's heritage we hold most dear is gloomy and threatening. We survey the melancholy spectacle of armaments piling up, of progress being interrupted in order that the weapons of violence may be more abundant, of force triumphant.

" But let us not forget, while not minimising these evils, if we can, to look at the bright side of things when we can legitimately do so. Of all the forces working for good in the world, for a better understanding between the peoples of tolerance and liberalism in the highest sense of the word, for the spread of free knowledge, the universities and all that they stand for are perhaps the most important, and we can fairly take comfort and encouragement from the fact that they are playing a greater part in the life of the nations than at any time in the past, and that their influence is making itself felt among a greater and ever-increasing part of the population."

After the installation honorary degrees were conferred on thirteen distinguished men, including Lord Baldwin ; Mr. W. S. Morrison, K.C., M.P. ; Mr. J. W. Dulanty, High Commissioner for Eire in London, and a Graduate of Manchester ; Sir Arthur S. Eddington ; and the Vice-Chancellor of our own University, Dr. J. S. B. Stopford, who is also a Trustee of the Rylands Library and the Chairman of the Rylands Council of Governors.

Lord Baldwin was presented by Professor A. Hamilton Thompson, who, describing him as " the student who seeks in the company of the ancients help and counsel for the problems of the present," said that, as three times Prime Minister of Great Britain, no one knew better the risks that beset our national fortunes " amid dangers which we can no longer regard with insular detachment and the growth of new political forces whose future defies prophecy. No man could have faced those perils with greater courage than Lord Baldwin ; few men could have impressed members of all parties in the State with such a conviction of the simple integrity which has ruled his motives ; few, indeed, at a moment of supreme national crisis could have hoped to carry public opinion so wholeheartedly with him."

Dr. Stopford was described by Professor Stewart as "a Lancastrian born and bred, educated in the Grammar School and University of Manchester," "a distinguished anatomist and academic head of a great sister university," and, further, as "one of that select group of anatomists who have been particularly interested in the applications of their science to the relief of human suffering. His war work on gunshot injuries of nerves was of fundamental importance, and as neurologist to the Second Western General Hospital he was able not only to render invaluable help in the treatment of patients but also to apply the experience gained in this field to the elucidation of the mode of distribution of the sensory nerves. His well-known book on this subject, 'Sensation and the Sensory Pathway,' was published in 1930, three years after his election to Fellowship of the Royal Society.

"All this time he was taking an active part in university administration, as Dean of the Medical School, as Chairman of the Board of Medicine, and as Pro-Vice-Chancellor. In these responsible offices he showed both great administrative ability and a sympathetic understanding of the difficulties of his colleagues in all faculties, and it was not surprising that, four years ago, he should be elected Vice-Chancellor of his Alma Mater."

At the conclusion of the degree ceremony Lord Baldwin addressing the Congregation on behalf of the honorary graduands, speaking with some experience of receiving an honorary degree, said he felt the compliment of a university honour more and more as life went on, and for this reason : "Whatever we (his fellow hon. graduates) may be, whatever we have done, we have all of us in very different walks tried to do something with our lives." A university could honour anyone it thought worthy of honour, and it was an honour that could not be gained by "intrigue, by pushing, by asking for it, or in any other way than what appears to the university at the moment merit of some sort."

Proceeding, Lord Baldwin said there were two things for which, in his mind, a university stood—perhaps more than for any other two. He would define them as standards and truth.

The more democratic we got, in the common usage of the word, the more—if we did not want to sink in the civilised scale and become barbarians again—the more our standards in everything must be maintained and kept high : standards of literature, art, work of all kinds. Once lost, it might be centuries before they could be got back. Shoddy should be known as shoddy and second-rate as second-rate. " I have been very much impressed with that sometimes in reading reviews," said Lord Baldwin.

Then as to truth. That was particularly important to-day. " It is not in danger in this country yet, and I hope it never will be. We never want to see the day when truth is sought merely with the object of proving a case, or history is written with that object, or truth itself is coloured so that its own mother would not recognise it. Universities must stand and be recognised as seekers after truth with no ulterior motive—for the sake of truth and truth alone."

There was one last thing : universities must be absolutely free and independent, governing themselves, regulating themselves, and never becoming subservient. What were the dangers ? He did not believe that in this country they would succeed, but there was a real reason why we should preserve what we had got. One danger, known to come to universities, was that of an attempt to use the influence of wealth. " That is not a danger here." When people gave money to universities, he was glad to think, it was not given with any idea of interference. It was given for the universities to use, and it was the universities themselves that knew in what way gifts could be expended to the best advantage.

" But there yet remains one danger. Here, again, we are free from that, but it must always be watched, and that is State interference, the most dangerous of the lot, and which we have seen in Europe in our own time, and would never have believed it unless we had seen it.

" Our universities depend more and more on State grants—public money. It must be so, and I think that will probably increase with time rather than decrease ; but you must resist to the death, if it ever comes, any attempt of any Government department, or any Government of any colour, to make gifts conditional on what you teach and how you teach.

" I hope that we shall never in this country be faced with a difficulty of that kind. I do not believe for a moment that we shall, but I do feel that, in view of what has happened in several countries of the world in recent years, we should be doubly vigilant in safeguarding our liberties and our own freedom."

EXHIBITION OF MEDIÆVAL MANUSCRIPTS.

The year 1939 opened with an exhibition of mediæval manuscripts and jewelled book covers, which have been displayed in the show cases in the centre of the main library.

The primary object of the exhibition was to signalize the visit, on the 5th of January, of the members of the Historical Association on the occasion of their holding their thirty-third annual meeting in Manchester.

It is designed to give some indication of the remarkable growth of the library's collections which has taken place during the thirty-nine years that have elapsed since its inauguration.

The extent of that growth, will be realized when it is stated that the 70,000 printed books and less than a hundred manuscripts, with which the library entered upon its career in 1899, have now grown to upwards of 450,000 printed books, 12,000 manuscripts, and other collections in such bewildering variety as to render it impossible even to mention them in this brief note.

Not merely in extent have the collections grown, but also in importance, for the accessions have included manuscripts of such outstanding interest that they have become sources of attraction to scholars from all parts of the world.

The exhibits have been drawn exclusively from the 12,000 codices and rolls which figure amongst the accessions to which reference has been made.

Many of the manuscripts are already well-known to scholars, but it is possible that some of the readers of these notes, though acquainted with the library in a general way, are yet unaware of the range and importance of this section of the library's possessions.

For that reason we have prefixed to the special catalogue which has been published in connexion with the exhibition a brief survey of the collection, in which we have sought to indicate something of its scope and interest. This is followed by some notes describing the characteristic features of the manuscripts of the middle ages in the matter of writing, of illumination, and of the materials employed, with a view to assisting those of the visitors who may not be familiar with the subject to a fuller appreciation of the interest and beauty of their workmanship.

CALENDAR OF EXCHEQUER RECORDS.

There has recently come to light in the library, two copies of a contemporary calendar of records preserved in the Treasury of the Receipt in Westminster Palace in the early seventeenth century. This Treasury, one of the four Treasuries of Exchequer records enumerated by Agarde in his *Compendium*, contained, as Sir Francis Palgrave has pointed out, a considerable number of the more select and valuable records, including Wolsey's papers, purchase deeds of crown lands, accounts of the English possessions in France, of the Chief Butlers and of Calais and the Staple there, papal bulls, treason trials and numerous surveys. The *Compendium*, which was compiled in 1610, provides a general guide to these, but the fullest account seems to be the one referred to here, which is printed from the two copies in the Library and another copy in the Public Record Office; judged by mere bulk, this calendar is some ten times as long as the *Compendium* for this treasury. Only a century later (May, 1728) the Lords Committees reported that the records here detailed, which were " esteemed of great value," were in a perishing condition. Both the Rylands manuscripts are directly associated with one of Agarde's successors as Deputy Chamberlain, Scipio Le Squyer, who was an Exchequer official nearly forty years. It is not without interest to notice that close friendship existed between these two; in his will Squyer desired to be buried in the Abbey beside " my auntient friend, Arthur Agarde." The manuscripts are part of a collection of seventy-eight items, the nucleus and probably the bulk of which belonged to Squyer. The collection parallels "Agarde's Indexes" at the Public Record Office.

ATHENIAN LEGISLATION.

We welcome to our pages in the present issue four new contributors. Mrs. K. M. T. Atkinson, M.A., Special Lecturer in Ancient History in the University of Manchester, contributes a most scholarly and well documented study of " Athenian Legislation, Procedure and Revision of Laws," which deals with an important aspect of Greek constitutional development which has called for the further study it here receives.

PALESTINIAN SYRIAC PALIMPSEST.

Matthew Black, M.A., B.D., Ph.D., Assistant Lecturer in the Semitics Department of the University of Manchester, deals with a recently recovered leaf of the Palimpsest Codex of the Gospels, which was acquired in the Near East as long ago as 1905 and 1906, by Mrs. Agnes S. Lewis, and was published by her in *Horæ Semiticæ*, no. 7 (1909), as " Codex Climaci Rescriptus," of which one leaf was missing.

The upper writing of the Codex is a Syriac version of the " Scala Paradisi," a book of those who are hastening to write their names in the Book of Life in Heaven, and the " Liber ad Pastorem " of St. John Climax, Abbot of Mount Sinai (fl. *c.* 580).

The under-writing is of the sixth century, and consists in the main of Palestinian Syriac texts of parts of the Gospels, Acts, and of St. Paul's Epistles.

Of the " Palestinian Syriac Bible " we possess little more than a number of isolated passages and scattered fragments, so that the recovery of this fragment is of considerable importance, containing, as it does, a practically complete text of Acts xxi, and making possible the comparison of the Palestinian Syriac text with the Peshitta, which appear to have much in common.

PROTESTATION OF RICHARD II.

Mr. G. H. Wright, M.A., who has a flair for unearthing fresh material, has brought to light a document which has been in the British Museum for well over half a century, but has never attracted any attention, largely owing to the fact that Sir Thomas Hardy's notice of it (when in Lord Ashburnham's Library) in his

"Descriptive Catalogue" is in that portion which remains unprinted in the Public Record Office.

It throws an interesting light upon the last act of Richard as King, and Mr. Wright finds confirmation, even in Lancastrian chronicles, supplementing the argument of Professor V. H. Galbraith, and the late Miss M. V. Clarke in their article, "The Deposition of Richard II," which appeared in our pages (Vol. 14, pp. 123-181, January, 1930).

THE LUXEUIL HOMILIES.

The fourth is Dr. Leslie Webber Jones of New York, who contributes the results of an interesting piece of investigation upon which he has been engaged for some years, dealing with the provenance of Rylands Latin MS. no. 12, of the early part of the ninth century, which hitherto has been described as the "Luxeuil Homiliarius."

As a result of Dr. Jones's examination of a number of manuscripts of the ninth and tenth centuries, to test their provenance, he has been rewarded by the discovery that four had one conspicuous feature in common, from which he has been led to assume that three out of the four, including the Rylands text, were the product of the Monastery of Luxeuil in Eastern France, where, probably, Europe's first calligraphic minuscule hand was developed into the Caroline minuscule.

To the student of palæography Dr. Jones's detailed study will be of great interest and value.

MALORY'S MORTE DARTHUR.

Professor Vinaver's article represents a very ingenious piece of bibliographical investigation, in which he has shown very conclusively how and to what extent the only two known copies of Caxton's edition of the *Morte Darthur*, one in the possession of the Rylands Library, the other in the Pierpont Morgan Library in New York, differ the one from the other.

In preparing his critical edition of Malory, which is to be published by the Oxford University Press, Professor Vinaver has found it necessary carefully to collate the text of the two copies, with the object of embodying the resulting list of variants in his critical apparatus.

By a very careful piece of investigation, he has discovered the printer at work in his office, and has surprised him in the act of stopping the press in order to correct a few odd pages of his text.

In the early days of printing, such alterations were often made in the formes after the printing had begun.

It may be that the author, coming in whilst the printing was actually proceeding, picking up a sheet freshly taken off the press and finding in it mistakes, would persuade the printer to stop the press and allow the corrections to be made; or the sheet to be cancelled.

In the case of Malory, it was the printer himself who was the editor, who naturally would be concerned as to the accuracy of his text, and would not hesitate, in case of need, to cancel a leaf or a sheet as Professor Vinaver has shown.

RICHARD ROLLE AND THE SORBONNE.

Dr. Arnould contributes to the present issue an interesting article upon Richard Rolle, in which he disproves the assertion frequently made, which was at first a mere conjecture, that Rolle was a student at the Sorbonne.

Dr. Arnould has made a most careful examination of the documents upon which the assertion is based, and he has shown not only that the documents are wrong but also how the mistake arose.

These documents, containing lists of the students in the Sorbonne, drawn up in the eighteenth century from records now lost, have never before been seriously examined, and though they are wrong in many cases they contain valuable information which goes far beyond Rolle himself, and it has been well worth while to call attention to them, as Dr. Arnould has done.

SUFISM.

We have received from John A. Subhan, B.A., B.D., Lecturer in the Henry Martyn School of Islamics, Lahore, an interesting Introduction to the Study of Sufism with special reference to India.

The author tells us in his preface that it is an effort to place before English readers, in systematic form, the varied and extensive, though often hidden, material on the subject of Mysticism and Saint worship in Islam, available in Urdu and Persian literature.

Although the author modestly makes no claim to originality, we welcome this addition to our shelves as a contribution to a department of study which, hitherto, has not been well represented.

The work is published by the Lucknow Publishing House, Hazratgunj, Lucknow. It is a volume of 412 pages, and includes, in an appendix of 38 pages, a "List of the Saints of Indian Sūfism arranged chronologically, followed by a list of the principal anniversaries of the saints' *Urs* in India." It is provided with an excellent index.

RECENT RYLANDS PUBLICATIONS.

The following is a list of the publications issued by the Governors of the Library during the year 1938.:—

CATALOGUE OF THE GREEK AND LATIN PAPYRI in the John Rylands Library, Manchester. Volume 3: Theological and literary texts (Nos. 457-551). Edited by C. H. Roberts, M.A., Lecturer in Papyrology in the University of Oxford and Fellow of St. John's College. 4to., pp. xviii, 218, with 9 plates of facsimiles. Cloth, one guinea net.

CATALOGUE OF THE SAMARITAN MANUSCRIPTS in the John Rylands Library. Edited by Edward Robertson, D.Litt., D.D., Professor of Semitic Languages and Literatures in the University of Manchester. 4to., pp. xxxviii, 207, with 5 plates of facsimiles. Cloth, one guinea net.

The Reprints of articles published in the BULLETIN during last year include many studies of great interest and importance in the departments of history, literature and religion with which they deal. They are as follows:—

"The Sator-formula and the Beginnings of Christianity." By Donald Atkinson, M.A., Professor of Ancient History in the University of Manchester. 8vo., pp. 18, with facsimile. Price eighteen pence net.

"Cicero and the Roman civic spirit in the Middle Ages and Early Renaissance." By Hans Baron, Ph.D., formerly

Lecturer in the University of Berlin. 8vo, pp. 26. Price eighteen pence net.

"François Villon: a bibliographical note." By E. F. Chaney, M.A., 8vo, pp. 6. Price one shilling net.

"Browning: The poet's aim." By H. B. Charlton, M.A., Professor of English Literature in the University of Manchester. 8vo, pp. 26. Price eighteen pence net.

"The Gospels as History: a reconsideration." By C. H. Dodd, M.A., D.D., Norris-Hulse Professor of Divinity in the University of Cambridge. 8vo, pp. 24. Price eighteen pence net.

"Ritual and Ethic: a study of a change in ancient religions about 800-500 B.C." By H. J. Fleure, D.Sc., M.A., F.R.S., Professor of Geography in the University of Manchester. 8vo, pp. 20. Price eighteen pence net.

"The Royal Injunctions of 1536 and 1538 and the 'Great Bible' of 1539 to 1541." By Henry Guppy, Litt.D., C.B.E., Librarian of the John Rylands Library. 8vo, pp. 43, with 8 facsimiles. Price eighteen pence net.

"Anglo-Saxon Charters and the Historian." By F. E. Harmer, M.A., Lecturer in English in the University of Manchester. 8vo, pp. 32, with facsimile. Price eighteen pence net.

"The development of Cobden's economic doctrines and his methods of propaganda: some unpublished correspondence." By Edward Hughes, M.A., Lecturer in Modern History in the University of Manchester. 8vo, pp. 14. Price one shilling net.

"The 'Imitatio Christi.'" By E. F. Jacob, M.A., D.Phil., Professor of Medieval History in the University of Manchester. 8vo, pp. 17. Price one shilling net.

"Sadducee and Pharisee: the origin and significance of the names." By T. W. Manson, M.A., D.Litt., D.D., Rylands Professor of Biblical Criticism and Exegesis in the University of Manchester. 8vo, pp. 18. Price one shilling net.

"A Parliamentary debate of the mid-fifteenth century." By A. R. Myers, M.A., Lecturer in Mediaeval History in the University of Liverpool. 8vo, pp. 18, with two facsimiles. Price eighteen pence net.

"The modern study of personality." By T. H. Pear, M.A., B.Sc., Professor of Psychology in the University of Manchester. 8vo, pp. 24. Price eighteen pence net.

"A German mystic miscellany of the late 15th century in the John Rylands Library." By F. P. Pickering, B.A., Ph.D., Lecturer in German Language and Literature in the University of Manchester. 8vo, pp. 40. Price eighteen pence net.

"John of Gaunt and the parliamentary representation of Lancashire." By H. G. Richardson, M.A., B.Sc. 8vo, pp. 18. Price one shilling net.

"The Bible and mankind," By E. Robertson, D.Litt., D.D., Professor of Semitic Languages and Literatures in the University of Manchester. 8vo, pp. 7. Price one shilling net.

"Notes and extracts from the Semitic MSS. in the John Rylands Library, no. 5: In Samaritan Nablus two centuries ago." By E. Robertson, D.Litt., D.D. 8vo, pp. 22. Price eighteen pence net.

"Israel's sojourn in Egypt." By H. H. Rowley, M.A., D.D., B.Lit., Professor of Semitic Languages in the University College of North Wales. 8vo, pp. 56. Price eighteen pence net.

"Freeman and the crisis of 1051." By Bertie Wilkinson, M.A., Ph.D., Professor of History in the University of Toronto. 8vo, pp. 22. Price one shilling net.

The latest publication is:

CATALOGUE OF A SELECTION OF MEDIÆVAL MANUSCRIPTS AND JEWELLED BOOK-COVERS, exhibited in the Main Library. With introduction on some characteristic features of the manuscripts of the middle ages, and seventeen facsimiles. 8vo., pp. 94, with 17 facsimiles. Price eighteen pence net.

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The following titles represent a selection of the works added to the shelves of the library since the publication of the last issue:—

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# BROWNING AS DRAMATIST.[1]

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ON the 26th of May, 1836, there was a historic supper party at 56 Russell Square, the home of Thomas Noon Talfourd. It followed the first-night production at Covent Garden of Talfourd's *Ion*, in which Ellen Tree and Macready had starred. The guests were famous men and women of their day: but amongst them was a young fellow just twenty-four, Robert Browning. As the party dispersed the actor-manager Macready turned to Browning and said, "Will you not write me a tragedy and save me from going to America?"

It was not the first time that Browning and Macready had met; indeed some months before, Browning had told Macready that he was contemplating submitting a tragedy on Narses. But even that hardly takes from Macready's question the look of meaningless politeness or of a drowning man's clutch at a blade of grass. There can be no doubt that Macready had cause for despair. During the first thirty years of the nineteenth century, the English theatre was derelict. Histrionically, there was genius available for it; but dramatically, it was dead. Its great actors had the past to draw on: but their own generation was sterile in dramatists. It was the epoch in which Wordsworth and Coleridge, Byron, Shelley and Keats made English poetry anew, lifting it to heights untouched since Shakespeare's day. But they were singularly devoid of dramatic genius. Byron's rhetoric gave some semblance of vigour to the formal figures of his literary historical scenes; but he is most dramatic when he breaks from the theatre with a *Cain* or a *Manfred.* Shelley achieved a *tour de force* in *The Cenci:* but the censor prevented its public performance, and Shelley himself well-nigh stifled the dramatic interest in the situation of his plot by the uncertainty of his characterisation. As playwrights Wordsworth, Coleridge and Keats only show how the essential romanticism of their art could foment the lurid melodramatism of a tawdry Kotzebue scenario, leaving the stage still exposed to the kind of unanswerable criticism with which Canning and Frere had assailed it a year or two before in their riotous *Rovers.*

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[1] An elaboration of the lecture delivered to the John Rylands Library on the 9th of November, 1938.

The failure of these great poets to turn their genius to dramatic ends invites speculation. Doubtless it is partly due to the fact that their imagination was more easily stirred by the spirit of nature than by the life of men : for the primary matter of drama is the actions of men. It appears, however, to be due even more to the instinctive individualism of their outlook on life. The lyric is the mood in which man reaches the final resolution of his own problem, the establishment of his own relationship to himself or to God : and the scene of it is the summit of Helvellyn or the inmost chamber of his own soul. But drama is a corporate activity, meant for men in such accidental yet not amorphous groups as gather together in a theatre. Its material is the actions of men or rather the interaction of men towards each other and towards their circumstantial environment. Hence drama is social in its outlook : it envisages, not God and man as elements in eternity, but a universe in which God and men are components of a world-order, and the pattern of it is revealed as the outcome of the momentum of all its constituent elements. It stresses the corporate implications of action : its plots presuppose that men are what they are, and that the world is what it is, and its dénouements represent what under those conditions is the nature of human destiny. These are dramatic values, but they are not the lyric's scale of valuation. The dramatist is above all remarkable for his grasp of the world, for his sense of men and women in human society, and for his insight into the well-nigh inscrutable complexities of human personality. These are qualities and habits of mind hardly needed for the making of poems on the Intimations of Immortality or of ruminations on a nightingale or even of pseudo-dramatic chorales such as *Prometheus Unbound*. They are qualities, however, that characterise epochs in which thought is instinctively social or collective or corporate, in the sense that the assessments it reaches are not absolute but are relative to some kind of social and common end. Our Elizabethans were flagrant individualists, but no less passionately they were Englishmen ; their social-mindedness is national. The Restoration dramatists set up a much smaller society as the controller of dramatic values and arbiter of rectitude in dramatic action ; their world is a drawing-room or a coffee-house. When drama began to flourish in our time, in the 1890's, the climate of opinion was markedly " collective," whether imperialistic or nationalist in one direction, or " socialistic " in another ; and the Abbey Theatre or Ibsenite displays of widowers' houses restored life to drama.

But however much point there may be in these speculations, there can be no doubt about the fact which prompted them, the utter dearth of dramatic genius in the writers of the first thirty years of the nineteenth century. Macready might well despair. The prostitution of drama to mere stagery can be well illustrated from the successful theatrical shows of the decade from 1830 to 1840. For instance, here are three of the Covent Garden successes of 1836 ; an adaptation of Bulwer's *Paul Clifford*, introducing various equestrian acts, a highwayman jumping on to a blood steed, and the star in a coach drawn by six horses ; a dramatisation of Southey's *Thalaba*, " featuring " a Burmese chariot drawn by Burmese bulls, leading a procession of elephants and ostriches ; and, most stupendous of all—

> " the Splendid Pageantry, Grotesque, Unique Effects and the Total Novelty of the Magnificent, Serio-Comic, Musical, Grand Easter Romance and Extravaganza, *Za-Ze-Zi-Zo-Zu*, or Dominoes ! Chess ! ! and Cards ! ! ! "

Two years later, Drury Lane outdid Covent Garden. It put on a play *Charlemagne* introducing a circus-rider with a double stud of trained palfreys, and a troupe of circus lions. The Drury Lane show thrilled the young Queen Victoria ; although she had so severely curtailed her subscription for the Royal Box at Covent Garden that Macready threatened not to admit her at all, she went to the Drury Lane performance six times in six weeks.[1] Could Macready do anything but despair?

But why, except in despair, appeal to Browning? He had known Browning some six months, "and had requested to be allowed to improve his acquaintance" with him. He came to feel that here was a young poet who could "scarcely fail to be a leading spirit of his time." But so far Browning was known only as author of *Pauline* (1833) and *Paracelsus* (1835); and it was *Paracelsus* which prompted Macready's forecast of Browning's future fame. It is difficult, however, to see in *Paracelsus* very much that indicates a really dramatic genius. The technique is not dramatic; the characters discourse, they do not converse; they are characterised through description rather than by revelation. They narrate what they have been, and only incidentally exhibit themselves as they are. They are devoid of the essentially dramatic personality which is an embodied process of becoming. They move from mood to mood by the slow transitions of self-analysis; but as personalities they are static, they are or they have been. It is true that Forster relied almost entirely on *Paracelsus* for the material which led him to call an article, largely on Browning, "Evidences of a New Genius for Dramatic Poetry." And, as this was printed in *The New Monthly Magazine* in March, 1836, Macready may have had it in mind at the supper-party in May. It is known, too, that Macready returned again and again to the poem and thought more of it each time. But that does not mean that he discovered in it the promise of a great dramatist. Indeed Browning's own preface, printed with *Paracelsus* in 1835, and afterwards discarded, is almost entirely devoted to warning readers that the piece is neither drama nor even a dramatic poem.

> "I am anxious that the reader should not, at the very outset,—mistaking my performance for one of a class with which it has nothing in common,—judge it by principles on which it has never been moulded, and subject it to a standard to which it was never meant to conform . . . I have endeavoured to write a poem, not a drama."

[1] See Griffin and Minchin, *The Life of Robert Browning*, pp. 105-6. It is a great pity that this, the most informative of all lives of Browning, should be allowed to remain out of print.

But Browning had in fact already shown how much of the dramatist there was in him. During the years 1834-36 he had published a few, mainly lyrical, poems over the signature Z in *The Monthly Repository*, of which W. J. Fox was the editor. One of these was *Porphyria*, which appeared in January, 1836, five or six weeks after Browning first met Macready.

*Porphyria* is a dramatic monologue, but it almost stages itself in the mind's eye as a theatrical one-act thriller. The episode which is its plot is in itself a striking situation ; tension is stretched turn by turn until with a sharp twist of the action the climax of the incident is reached, and this itself prepares a dénouement which, avoiding anticlimax by its unexpectedness, achieves a magnificently theatrical curtain. But it is not merely by its plotcraft that *Porphyria* reaches drama. It is rich in the technical accessories of dramatisation. Action is symbolic of character. Words call up the situation as a scene, supplying back-cloth and properties, limelight and black-outs ; and the monstrousness of the tale is subdued to the necessary realism of drama by a deft choice of casual circumstance, shawls and gloves and kitchen pokers from the routine of familiar everyday life. Most remarkable of all is the skill shown in experimenting with a technique for supplying to the dramatic monologue the equivalents of what in drama proper is provided by the visible scene. A play opens with its situation exposed in space, its actors seen in one and the same moment amidst all the circumstances of their environment. But in the monologue, detail of setting and hints of character can only come separately one after the other in momentary succession. Everything turns then on the particular detail chosen and the order of its occurrence, so that as the tale tells itself the scene is being built in the right perspective and the clues have their right direction and momentum. Only thus will the reader "produce" the implied play rightly, and cast its person as the sort of man he is meant to be. The reader must grasp as soon as he can what sort of a person is speaking and under what circumstances he speaks.

"The rain set early in to-night":

the splash of rain off-stage ; the scene, darkness.

"The sullen wind was soon awake":

the moan of wind, and the first clue to the speaker's mood or character: "sullen wind," "awake"—one who feels that nature is a living and a hostile power.

"It tore the elm-tops down for spite":

roar of gale and crash of branches in the wings; back-stage probably opening on a plantation—trees all of one kind, and they, elms, frailest of all giants in a tempest, most opulently impressive, however, on a baronial estate; and the scene defines itself more closely as the edge of a lordly park: the speaker's sense of nature's hostility increasing—"for spite."

"And did its worst to vex the lake":

the swish of waters lashed by wind; the scene, certainly now abutting on a park, part of a large estate; the speaker's feeling of the alien might of the monster nature growing to morbidity.

"I listened with heart fit to break."

A dim figure, peering into the black storm, every nerve strained to feed itself on the storm's fury and its own misery:

"When glided in Porphyria."

Unheard, Porphyria silently glides in. Why a door ajar on a night like this? Morbid self-pity becoming madness?

"straight
She shut the cold out and the storm
And kneeled and made the cheerless grate
Blaze up, and all the cottage warm."

The scene is slowly illumined with firelight; it is the inside of a cottage, cheerless on such a night with open door and fire dying in the grate. On her entrance, Porphyria restores comfortable warmth and a cosy half-light. But what is she doing here? With a name like that, Porphyria, too? An aristocrat, probably, perhaps connected with the lord of the manor who owns this cottage on his estate. But is she a romantic sentimentalist, a neurotic vamp? So far, at all events, her actions are those of a sensible practical woman with an eye for the obvious.

"Which done, she rose, and from her form
Withdrew the dripping cloak and shawl
  And laid her soiled gloves by, untied
Her hat and let the damp hair fall."

Porphyria's common-sense is abundantly clear. She shuts the door and pokes the fire before taking off her white gloves; but that done, in a normal straightforward way she removes her wet coat, methodically unties her hat, without tugging excitedly at its strings, and shakes her tresses loose to let them dry. But why should such a matter of fact lady have come to see such a man under such circumstances on such a night?

"And, last, she sat down by my side
And called me."

So far there has been no sound of human voice. Having put things in order, Porphyria sits by the man's side. Is she then his lady-love? She breaks the silence by speaking his name. But he is the oddest of lovers, if lover he be.

"When no voice replied"—

apart from no lover-like greeting, not even a word of gratitude for tidying up the room! Clearly, he is in the most trying of difficult moods. She knew, apparently, that the fit would be on him, as anybody who remembers to shut doors during a storm and to poke dying fires would know, but she hardly expected—and who could expect?—that it would be as bad as it is. In such a desperate situation drastic remedies may be worth risks, even up to the semblance of impropriety.

"When no voice replied
She put my arm about her waist,
  And made her smooth white shoulder bare
And all her yellow hair displaced
  And stooping made my cheek lie there,
  And spread o'er all, her yellow hair."

Admittedly, it looks like sheer seduction. But the bare shoulder is unavoidable if you are in a dance-frock, and if you have spread your damp hair once to dry it, you may do so again; if the hair is yellow, at least it is not platinum blonde. Moreover, if in some innocent or guilty way, you have become involved with a man who turns out as this one does, and if you find him so very much beyond expectation blue, well, even an equivocal gesture of petting is a reasonable prescription.

> " And spread o'er all her yellow hair,
> Murmuring how she loved me."

Hitherto the tale, told to us, of course, by the man, Porphyria's lover, has been so far objective that it has merely recorded Porphyria's actions. Now, however, the description is less objective: Porphyria doubtless did murmur words appropriate to her sense of the situation. But what exactly did she say? " Of course, I'm fond of you "—the sort of thing a girl who pokes dying fires and shuts open doors might well say—or " murmuring how she loved me "? That, at least, is the interpretation of the man who is telling us the tale. He goes on to tell us what in his view is the relation between them: but Porphyria's notion of it we must guess:

> " she
> Too weak, for all her heart's endeavour
> To set its struggling passion free
> From pride."

She, he tells us, lacking a great poetic heart like his, is not strong enough to give up worldly wealth for love. But his very phraseology makes his diagnosis suspect. Porphyria, as we have now come to know her, is hardly the sort of girl to describe her longings as " heart's endeavours "; moreover, pride is not the obvious fault of a girl who comes through the rain to do domestic chores for a young artist she has found amusing:

> " and vainer ties dissever
> And give herself to me forever."

" Vainer " is comparative; and here the dictator of the standard of comparison is this morbid artistic fellow who is too distraught or too lacking in sense of decency to speak to visitors and give thanks for services rendered. What then are " vainer " ties in his scheme of values? The prize is " to give herself to me for ever "—a poor prize, one might think, to people as normal as those who like closed doors and warm fires on stormy nights. The relation of Porphyria to the protagonist is becoming clear.

His view of her visit on such a night is, of course, as he says, that

"passion sometimes would prevail."

But prevail against what vainer ties?

"Nor could to-night's gay feast restrain
A sudden thought of one so pale
For love of her."

Porphyria's father is giving a dinner and a dance at the hall to his aristocratic friends. The young man has moped and sulked, doubtless telling her in tones of poetic despair and high-minded contempt that whilst she is flaunting it at the ball, he'll be staring into blankness with heart fit to break. So, slipping away from her father's guests, she has run across the park to see whether the young man is as bad as he threatened to be. One can only guess how she came to be involved with him. The advent of a young poet or artist to live in the cottage on the edge of the estate must have been quite exciting in the isolation of an early Victorian country house. At all events, running into him on their walks has relieved the tedium of a dull life. She has certainly not been above flirtation; and so it has gone on, to a point, one suspects, when she has begun to wish it were all over. But she has not misled him into thinking she was deeply in love with him—it is only a "sudden" thought, he tells us, which brings her to see him,

"So pale
For love of her, and all in vain
So, she was come through wind and rain."

—But she had taken the obvious precautions against the inclement weather, sensible in this as in the other things we know of her, except, of course, for the fact that though she found that she had been playing with matches, she did not realise what sort of a conflagration they would produce.

"Be sure I looked up at her eyes
Happy and proud."

Evidently her tactics were availing to restore some sort of more normal temper in this moody melancholic; even so, his gloomy silence is still maintained:

"at last I knew
Porphyria worshipped me."

That, of course, is his opinion, not ours, nor Porphyria's ; as he goes on to admit—

" surprise
Made my heart swell and still it grew
While I debated what to do."

—a curiously inept choice of debating time : but his ecstasy has brought him to madness.

" That moment she was mine, mine, fair
Perfectly pure and good : I found
A thing to do, and all her hair
In one long yellow string I wound
Three times her little throat around
And strangled her."

Then succeeds a gruesome orgy : he fondles her corpse.

" No pain felt she ;
I am quite sure she felt no pain,
As a shut bud that holds a bee,
I warily oped her lids : again
Laugh'd the blue eyes without a stain.
And I untighten'd next the tress
About her neck ; her cheek once more
Blush'd bright beneath my burning kiss :
I propp'd her head up as before,
Only, this time my shoulder bore
Her head, which droops upon it still."

His ruminations are nauseating with their complacent self-satisfaction :

The smiling rosy little head,
So glad it has its utmost will,"

(a curious misapprehension of a girl who likes sensible creature-comforts like warm fires)

" That all it scorned at once is fled."

(What indeed did Porphyria scorn ? Nothing that one can imagine)

" And I, its love, am gained instead ! "

(truly a great gain).

" Porphyria's love : she guessed not how
Her darling one wish would be heard."

Most certainly she did not: if she had had the faintest notion that this was to be the upshot of her visit, she would have stayed on at the ball.

> "And thus we sit together now
> And all night long we have not stirred,"

—a fine Grand Guignol tableau: and then the magnificent curtain:

> "And yet God has not said a word!"

The next word is surely rather with the village policeman than with God. But as this homicidal lunatic sits expecting the heavens to open and a voice to descend therefrom, his monomania reaches its climax. The foetid stifling atmosphere of the gruesome scene is dissolved, for the madman's characteristic speculation drives the minds of the spectators momentarily to the outermost limits of restorative space, where, if at all, the relation of God to this sordid crime is to be sought for.

A Madhouse Cell, Browning afterwards called this poem, *Porphyria's Lover*. But in it, not only are there many of a dramatist's gifts: there is also evidence of what was to be Browning's greatest defect as a writer of plays. The lover of Porphyria stands forth unmistakably in his macabre mania. But what of Porphyria? Is she a figure such as she has seemed above? Or is she a fit partner for her lover, a creature of nerves and weak passions? There are dubieties which speculation can only half-resolve from hints such as pokers and firelight and closed doors. When a protagonist is thrust by Browning to the front, he absorbs all his author's attention, and other figures, even if there is only one other, are obscured in half lights. Only occasionally can his imagination preserve a double focus. It is the artistic consequence of his constitutional individualism, his inevitable way of seeing man. It is a consequence which affects his thought, too: his doctrine that most failure is most success is a purely individualistic tenet which leaves social and corporate obligations of little or no account in contrast with the supreme duty of self-realisation.

Browning responded to Macready's request. Altogether he wrote nine pieces which may be called plays, though the term must be stretched to include two of the nine. They are (in probable order of composition):

1. *Strafford*, published and acted in 1837.
2. *Pippa Passes*, published in 1841.
3. *King Victor and King Charles*, published in 1842.
4. *The Return of the Druses*, published in 1843.
5. *A Blot in the 'Scutcheon*, published and acted 1842.
6. *Colombe's Birthday*, published 1844, acted 1853.
7. *Luria*, published in 1846.
8. *A Soul's Tragedy*, published in 1846.
9. *In a Balcony*, published in 1855, acted privately 1884.

As will be seen, only two of these had immediate performance and both were reckoned as failures by their producers. As a writer of stage-plays Browning was a failure: and his failure is not to be explained by the imperfections or the jealousies of actors and managers. It is within himself.

Nor is it enought to point to the many awkward elements in his dramatic technique, for these are a sign rather than an explanation of his failure. He never manipulates verbal idiom as an instrument of characterisation. He gave to all his people a mode of expression peculiar to himself; it was discourse, rather than conversation; and above all, its abrupt elliptical syntax and its heady imagery made it difficult to be understood in the moment of utterance. Yet he relied almost exclusively on speech as the medium by which his characters were to be known. They had little recourse to gesture because the plot required little action. The interest was exclusively in what was occurring within their minds. Hence, to give some satisfaction to the eye, Browning was easily tempted into formally dramatic incidents which refracted rather than revealed the inner happenings. Many of the public and political episodes of *Strafford* are only vaguely relevant references to the matter in hand: the conventional pathos of the domestic scene with his children, and the equally conventional and entirely unnecessary romanticism of Lady Carlisle are similar impediments. Suicides, murders, duels, the traditional theatrical stock, he employs with palpable awkwardness. No dramatist has ever relied so naïvely on the *deus ex machina* of sudden death at the right moment. King Victor, Mildred and Anael, to cite major persons from three plays, show exquisite tact in choosing the moment of their demise. Perhaps the most striking dislocation between mere movement and the symbolic action of drama is seen in the finale of *In a Balcony :*

NORBERT. This must end here :
It is too perfect.
CONSTANCE. There's the music stopped.
What measured heavy tread ? It is one blaze
About me and within me.
NORBERT. Oh, some death
Will run its sudden finger round this spark
And sever us from the rest !
CONSTANCE. And so do well.
Now the doors open.
NORBERT 'Tis the guard comes.
CONSTANCE. Kiss !
(*Curtain.*)

How must an audience take this ? Surely, as a contemporary said, " it was a natural sequence that the step of the guard should be heard coming to take Norbert to his doom, as, with a nature like the queen's, who had known only one hour of joy in her sterile life, vengeance swift and terrible would follow on the sudden destruction of her happiness." But this, in fact, is what Browning himself in retrospect said of the ending: " Now, I don't think that : the queen had a large and passionate temperament which had only once been touched and brought into intense life : she would have died, as by a knife in her heart : the guard would have come to carry away her dead body." A dramatist whose simple spectacular and histrionic symbolism is so uncertain as this will find it hard to secure the imaginative co-operation of his audience.

That is only another example of Browning's temperamental blindness to the group as an organic unit. Physiologically, he looked out on life and saw it as an aggregation of separate human souls seeking their relation to God. He never saw, never felt the real existence of the something or other besides God and yet not ourselves which gives its vital force to a community. He was a nonconformist, in the complete sense that he had no notion of a church ; he was a liberal, but the current liberal creed of nationalism only appealed to him when it exhibited itself in the fate of a few individual Italians. A theatre audience was just a fortuitous assembly of folks as individual as Robert Browning: but he expected them to have his own imaginative alertness, and forgot that a conventional, corporate language is indispensable to communication. Even worse, he used an art which by its nature must represent, or must excite expectation of the representation of, the corporate forces which condition the issues of that life which men live in concourse with each other; and he was constitutionally blind to such forces.

Sometimes Browning's blindness to these and similar inevitable institutions is so flagrant that it is ludicrous, ludicrous that is, if the scene before our eyes presents, as does a stage, the semblance of a world which has shaped itself by means of such institutions and conventions, a world in which civilisation progresses and safeguards itself by such organisations as it has found to be necessary. Take *Pippa Passes*, for instance. One of its scenes turns on the patriot Luigi's escape from the police. But another scene, the Sebald-Ottima episode, involves a murder: yet not once is there a suggestion that the police may be interested; and the culprits want the corpse out of the way because it is aesthetically an eyesore, not because there is a corporate institution, moral or legal, called the law. Indeed Ottima gaily announces that she will show Sebald over the silk-mills which are now his: evidently there is not even a system of organised inheritance, nothing but the individualist's state of nature where possession is ten points of the law and might is right—except of course that from the poet's point of view there is the primal dispensation, the individual soul and God, its maker.

It was unfortunate that for his first two formal plays Browning chose political themes, unfortunate even though he lived in the Carlylean age which looked on history in the main as the achievements of great individuals. Like Carlyle with Cromwell, in the Commonwealth puritans Browning found figures who towered majestically as moral individuals: almost inevitably, therefore, he found in the royalism of their opponents little beyond an aesthetic or a personal preference for a particular way of life. But these are points of view which distort the political struggle between royalist and parliamentarian. Principles as political motives disappear from a panorama which represents nothing but the personal animosities and preferences of people accidentally living in the same time and place. Ideals are invoked and familiar ideas are named, such, for instance, as this or that conception of sovereignty ; but the cry is nothing but a catchword, and the response to it by its professed devotees is unpredictable and unintelligible. Parliaments are dissolved, wars declared, and trials ordered in the background, but they rumble behind the scene as the mere whims of the characters concerned, never projecting themselves as the powers which sway the patterns of corporate political life. The prevailing anarchy in larger motive naturally affects the consistency of personal characterisation : and Strafford's devotion to a worthless king, who is also almost a contemptible human individual, remains a mere vagary of individual incalculability.

*King Victor and King Charles* is also political in its story, but entirely unpolitical in its essential theme. Nominally the tale tells how King Victor, having got his country into a political mess, astutely determines to abdicate in favour of a politically feckless son who can bear the brunt of the political clean-up, and then give way again to his father. But the play proceeds just as if the issue was no more than a temporary transfer of a small private estate ; and the interest is nothing but the effect of unexpected responsibility on a more or less insignificant individual. The vaster issues of kingship, and even the merely public consequences of dynastic adjustments clamour in our minds for an expression which is denied to them by Browning's stage. Such stultifying of expectation frustrates the effect of the dénouement. King Charles has grown in moral stature through addicting himself to political responsibility : but in the end, the very powers which have been alleged to be the means of his growth, he puts aside easily in response to a sentimental plea from his father. It may be theatrically effective, but it is dramatic suicide. Even so Charles' actions are not so completely out of an intelligible scheme of characterisation as is the *volte face* of Charles' wife, Polyxena. She it was who revealed to him the call of the larger life :

> Pause here upon this strip of time
> Allotted you out of eternity!
> Crowns are from God: you in his name hold yours.
> Your life's no least thing, were it fit your life
> Should be abjured along with rule; but now
> Keep both. Your duty is to live and rule.
>
> . . . . . .
>
> 'Twill be, I feel,
> Only in moments that the duty's seen
> As palpably as now: the months, the years
> Of painful indistinctness are to come,
> While daily must we tread these palace-rooms
> Pregnant with memories of the past; your eye
> May turn to mine and find no comfort there,
> Through fancies that beset me, as yourself,
> Of other courses, with far other issues,
> We might have taken this great night: such bear,
> As I will bear! What matters happiness?
> Duty! There's man's one moment: this is yours!

But in a trice her action unsays all she has so nobly uttered. She connives at Charles' surrender and presumably, when after it Charles tells her "I love you now indeed," she has gained the highest reward which is to be won in the dispensation of Browning's dramas. There are only four characters in the play; and only one of them moves with an impression of psychological truth, D'Ormea, faintly prefiguring Ogniben, and, like Ogniben, a man whose political machinations have taught him one of the forms of worldly wisdom which gives a semblance of reality to dramatic characters. But apart from D'Ormea, *King Victor and King Charles* must be reckoned as one of Browning's most signal failures.

In two other plays the ghost of a political subject haunts the theme, *The Return of the Druses* and *Luria*. But Browning is more skilful in covering his unconcern with it. Instead of merely neglecting it, he gives sufficient recognition to its existence to secure a tacit agreement, for the moment, that it shall merely provide the back cloth with its pattern. He proceeds then in both cases to switch the whole interest on to the personal fate of the hero, and to allow this to have no direct and controlling influence on the communities of which the heroes were apparently the shaping factors. In the one play, the Druses, and in the other Florence follow their destiny independently of the death of Djabal and of Luria. The island of Rhodes and the Florence of Luria are merely decorative historic scenarios for the two plays ; they are not integral elements in the drama, which is the tragedy of Djabal, and the tragedy of Luria.

*The Return of the Druses* has more spectacular scenes and more apparent action than have most of Browning's plays. But its real theme is in the profundities of personality, so deep down indeed that their issues are not easily nor clearly to be grasped. Djabel's overt deceit passes in and out of self-deception. Anael is both a passionate girl in love and a fervent martyr dying sacrificially with a lie on her lips. Nominally, both Djabel and Anael sacrifice themselves for the future of the Druses. But the play declines to make the future of the Druses of any real moment ; in any case, it is being secured safely and independently of the sacrifice.

*Luria* is far less complex. There are no complicated obscure motives : and yet the seeming simple motive by the compulsion of which Luria forces the course of the play's action is almost as refractory to dramatic belief. The artistic culture of Florence casts such a spell over the simple Moor who serves it as a professional soldier, that rather than be the political trouble to it which all victorious generals must be, he commits suicide in the moment of victory. The naïvety of his moral solution matches the naïvety of his political ignorance. He is urged one way by appreciable and intelligible forces, but he is borne in the opposite direction by an unassessable and unpresentable attraction which is so romantically ideal as to seem factitious. It brings about an ending which completely lacks the conviction of inevitability.

In many ways *A Blot in the 'Scutcheon* seems by its plot and its theme to be the most suitable of Browning's dramas for the normal needs of a stage-play. There is much good " theatre " in it, incidents and scenes of the kind traditionally effective, no episodic complication or elaboration, no blurring of its main figures by merging them in accessory crowds, no mystification of them by suggestions of obscure conflicting motives. Yet the play failed, and must fail. The actions of the characters are in a dramatic sense incredible because they are unintelligible; they are unintelligible because they are arbitrary. Their arbitrariness is another outcome of the disadvantages for drama inherent in the Browning way of seeing life. To the individualist, freedom of will must tend to absoluteness, and a man's actions will appear almost completely as his own choice. Yet what for him are the noblest impulses may seem but whims to others, and his highest sanctions may appear as the distorted apprehensions of a moral anarch. Mildred's purity, Mertoun's humility, and Thorold's honour are notions of right which are clearly prompted by an impulse for goodness; but each of them, to justify itself as an authoritative sanction, presupposes conditions incompatible one with the other, to the utter confusion of any comprehensive system in which right remains right and wrong is indubitably wrong.

To give a semblance of order to this moral chaos, Browning resorts to honour as the code which will provide an unequivocal standard of moral compulsion for his audience, and therefore, a sense of natural obligation for his characters, the dramatic inevitably which Aristotle called necessity. The issue of the action must be what it is because honour compels it.

But the device is a failure. Honour has not the impressive finality of Nemesis in the ultimate arbitrament of human destiny. It is so ephemeral in its imperatives, so casual in its confusion of time and eternity. Even if goodness be but the changing code of the general will, the goodness which was called honour arose only as the will of an extremely limited group of men: and as that was an aristocratic group, its articles of conduct necessarily concerned etiquette as much as morals. Details of dress and points of official precedence were of real importance to the maintenance of an order of chivalry, forms indispensable to the preservation of the substance. But though the obligations of honour constituted a high and comprehensive ideal for the life of a medieval aristocratic society, the system was so exquisitely formulated to meet the requirements of its own particular circumstances, that it was incapable of adaptation to a changing world and to a wider and more representative human experience. Its dictates became mere formalities, almost as unmoral as the veto on a white tie with a dinner jacket. It led to more and more perverse complications of the moral judgment, even to the notion that honour requires its adherents to pay their gambling debts whilst their butcher starves.

There have, of course, been dramatists who have built their tragic schemes on such themes as the conflict of Love and Honour. But their success has depended almost entirely on the extent to which the term " honour " could be replaced by the word " virtue," taking virtue to mean that quality which best becomes a man in the eyes of the men amongst whom he lives.

Sometimes when social organisation has maintained a predominantly aristocratic orientation, as for instance in the " grand siècle," when the salon swayed as the court, the prescriptions of honour have more easily avoided the factitious. Corneille and Racine can depict the conflict of love and honour as a tragic impact of real forces : but even then, there are dangers, as for instance, when Racine's Phèdre may not divulge her guilty love, but may avoid stigma by permitting her maid to make the disclosure. In England, where courtly custom has never been incorporated so firmly in national habit, the theme of honour is a greater danger to the tragic dramatist. In Elizabethan tragicomedy, it vitiates characterisation by supplying the dramatists with an injunction at the call of which the persons of their drama can do the most spectactularly unnatural deeds ; and in the Heroic Drama of the Restoration, it renders all the characters mere puppets who merely mouth pretentious and sophistic maxims applicable to no social order but the pasteboard régime of the stage.

If Browning had had the dramatic skill to represent life in *A Blot in the 'Scutcheon* as a moral system governed by honour as its mainspring, his characters might have exhibited such consistency amongst themselves as the fellow-creatures in a purely imaginary moral culture will perforce exhibit. But even so much collectivism in comprehension defeats him. He lacked the right sort of historic sense. This may seem an absurd judgment of a poet who, as in *The Bishop Orders His Tomb*, or in *My Last Duchess*, conveys more of the spirit of the Renaissance than did all the historians : but these are poems in which he divines individual responses to particular circumstances. It is the converse, the form of an epoch and its pressure on men at large which fails to catch his imagination. His plays range in the period of their action from the fourteenth to the nineteenth century. But their cultural back-cloth is fundamentally the same. There are attempts in *A Blot in the 'Scutcheon* to give a sense of the baronial medievalism which is the material counterpart of the spiritual temper of Earl Tresham. But his eighteenth century castle is as unreal as is Walpole's *Otranto* or his Strawberry Hill. Its "cross-bow shafts," "the bow-hand or the arrow-hand's great meed," "unhand me, peasant," the falcons, hawks and hawkers and the whole paraphernalia of the first scene, with "many retainers crowded at the window of a lodge in view of the entrance to the mansion," and amongst them, Gerard, duly installed as the Warrener, and their talk of poursuivants, of silk and silver varlets, of ribbon-ties and rosettes, of white-staff and of the traditional retainer who

> Fairly had fretted flesh and bone away
> In cares that this was right, nor that was wrong,
> Such a point decorous, and such by rule—
> He knew such niceties, no herald more—

all this is mere stage canvas. The temper of the world of the play will spring most forcibly from the intellectual idiom of its characters : and the painted cloth at the back reveals the artificiality of the factitious moral values incorporated in the play instead of lending reality to them. The exposure is the greater since two of the characters, Gwendolen and Austen, are allowed not only an intellectual idiom as modern and current as the others, but, instead of the others' prescribed standards of conduct, they display a simple humane wisdom which makes them appear the only real and natural people in the play. Unfortunately the plot does not permit them to control the story, or common sense would have turned a series of funerals into a happy marriage-feast.

As the play stands, it is a shapeless medley of confused moral gestures ; and the one set up as the symbol of highest good, Thorold's unswerving sense of honour, proves insufficient even to himself. He would put aside, he declares in the moment of his firm resolve, he would put aside all the stern verdicts consecrated by ancestral honour, and forgive everything, merely for a single homely word, one human glance from his sister, were it not that she is planning an even deadlier sin, and one entirely beyond the scope of formal moral heraldry ; she is proposing to marry merely to make a husband provide a private bawdy house for a lover and herself. If here honour has been replaced by a simple, universal and intelligible sentiment of common decency, both are mathematically nullified by Thorold's final words, as he tells us what has brought on the tragedy. "Haste and anger have undone us." In other words, there has been much ado about nothing : at least, all that was propounded as momentous was in reality extraneous and irrelevant. The real tragedy has not been presented.

So it is always when Browning, adopting the dramatic form, has of necessity to desert his assessment of individuals as individuals. Indeed, for the individual, since nothing matters but God and himself, there *is* no tragedy in the traditional sense. To the overhearer of each man's monologue there may seem as much moral anarchy as there is in *The Statue and the Bust*, but that for his moment is an irrelevant consideration, and since the theme is merely one of personal and therefore of comparative assessment—*de te fabula*. At best, it may rise to the judgment of a disinterested, though experienced and responsible spectator, the summary of an onlooker concerned for the triumph of virtue, as, for instance, the pope in *The Ring and the Book*. But, exercising such an office, he speaks neither as the voice of society nor as the interpreter of it : he is nominally and actually God's vice-gerent.

There are, however, two plays of Browning's in which the theme relieves him from his inability to envisage the spiritual powers which control the social or collective actions of men. In two of his plays, the tale is simply a tale of lovers. A love-story is fundamentally lyrical, but it is also in part dramatic, because it involves more than one person ; and of course it records the setting up, or the attempt to set up, a society, a communion of marriage or a union in some sort of elective affinity. According as to whether wooing and marriage are regarded as a spiritual experience or as a social institution, the theme is more lyrical or more dramatic. But even its most lyrical expression cannot be divorced from the rudimentary requirement of drama. The ecstatic joy of lovers, who, as individuals, reach happiness through their love for each other takes on the appearance of a collective or social or universal circumstance by invoking the creed of *Love Among the Ruins.*

> Oh heart ! oh blood that freezes, blood that burns !
>   Earth's returns
> For whole centuries of folly, noise and sin !
>   Shut them in,
> With their triumphs and their glories and the rest,
>   Love is best !

It is the nineteenth century form of "All for Love, or the World Well Lost." In its most theatrical form, it is love in a cottage. Of course, the four—or is it three?—walls of the interior of a cottage kitchen will suffice to give to the stage as much as it needs to seem to present a society or a cosmos, provided, that is, that one can assume a well-stocked larder, a supply of water and gas, and, for emergencies, a medical service within telephone call of the big world outside that of the stage.

In Browning's *Colombe's Birthday* the theme is, literally, love in what is (relatively) a cottage. Colombe has been ruling duchess for a year, and to-day is her birthday. But she has never really ruled. Her authority has been a mere form ; she is ignorant of the problems and of the opportunities of her office, she is indeed, as Browning's characters commonly are, naturally unaware of public as distinct from personal obligation. It has been easy to prevent her knowing of the troubles which are spreading throughout her duchy from the misdeeds of her counsellors. But now affairs are at a climax, a double climax in fact. Her subjects in Cleves are desperate and almost in open revolt : moreover, a great prince claims to have a right to her throne legally superior to hers. The case for the people of Cleves is put to her by a young advocate, Valence. She falls in love with him, and renounces her throne, though she could have kept it by accepting the prince's offer of marriage. Her choice is made to seem an even greater triumph for love, because the prince is destined, not only for a ducal, but for an imperial throne. But the conflict is flagrantly unreal and factitious. There is no real tussle between mighty moral opposites, love on the one hand, and duty on the other. For her rulership has never been more than a means of personal gratification ; public responsibility and political obligation are notions which have never developed in her own instinctive sense of goodness. Her choice is not really a preference between two modes of spiritual life ; it is substantially of no more moral significance than a choice between a cottage and a castle. It is a matter of taste, on the exercise of which nothing whatever hangs except the private happiness of Colombe and Valence. Again, all for love ; but again, the world forgotten.

*In a Balcony* is slighter still. It concerns three persons only ; and it concerns them as persons only. The fact that one is a queen and another her unofficial prime minister is of no importance whatever. The interest is all in love. The odd device employed by the man to secure the queen's consent to his marriage with her young friend and companion leads the queen to believe that his love is for her. Her life has been starved of love—there is a runaway husband somewhere outside the story ; and now on the edge of middle-age, hope is suddenly thrust before her. But she overhears the other two tell how the device has miscarried ; the blow petrifies her. That is all. It is an episode, not a play, a scene isolated from every external consequence of such actions especially when they happen to people in the world's high places. Indeed the dramatist himself carries the isolation so far that we are not even allowed to know the immediate effects on the three people concerned : his dénouement leaves us guessing, and apparently, misleads us into guessing wrongly.

*A Soul's Tragedy* is in a key utterly unlike that of all other plays by Browning. To begin with, it is not a tragedy at all ; it is *comédie humaine.* The spirit of comedy prevails in it ; and if Ogniben's masterly manipulation of circumstance rests on a very worldly estimate of human motive, his cynicism is more of a mellowed and tolerant realism than a bitter disbelief. The exposure of Chiappino's heroics is a comic katharsis. He will always mistake his own soul, dramatising his self-importance according to the moment's theatrical opportunity; but the world about him, even its ordinary mortals like Eulalia and Luitolfo, will not be deceived for long, and the more experienced exponents of living, like Ogniben, will cajole or compel him into his proper place in the scheme of things. In no other of Browning's plays is there so much awareness of the benevolent pressure of a world-order, of the something or other not ourselves which shapes the corporate well-being of human society. It is expressed too in a language quite unlike Browning's usual dramatic idiom. Ogniben's prose has the suave benignity of Shakespeare's comic speech, and the unforced finality of rich common sense. But of course it is not mainly dialogue: it flows in an easy harangue which is almost monologue in circumstance, and is indeed really monologue in essence.

There is only one other play to mention, *Pippa Passes*. Our argument has so far concerned itself with the causes of Browning's failure in formal drama: it has not stopped to point out incidental passages or episodes in which Browning is as magnificent as only Browning could be. These magnificences are many; but they are of a quality which will not reveal itself fully until the poet is freed from the obligations of the traditional dramatic form. There was unique genius in Browning; it was patently a genius closely allied to that which has produced great drama. But so far it had not found its own peculiar medium. It could produce much of the matter which drama demands: but its own distinctiveness was hampered and often distorted by the reflexion of it through the dramatic conventions. The stress of our present argument has been directed to these distortions so that the field may be cleared for seeking on some later occasion the essential nature of the genius which made Browning the greatest nineteenth century poet after Wordsworth.

But in the meantime, *Pippa Passes* will enable us to take leave of Browning the play-maker. In form, it is less like the traditional play than are his others. It is composed of four episodes, each of which is a one-act piece in itself; and although the climax of each of these episodes is only intelligible in the framework idea of the whole, there is more unstifled play of Browning's dramatic gifts in some of the episodes than in his bigger and more formal dramas. In particular, Ottima and Sebald provide the finest single scene of drama either in Browning or in the whole nineteenth century.

The scene is the interior of a summer-house or conservatory at dawn. In the darkness within are Ottima and her paramour, the German Sebald. As the curtain rises, Sebald in a drowsy dull stupor is humming a hymn to prolong the oblivion of sleep and darkness—

" Let the watching lids wink !
Day's ablaze with eyes, think ! "

—for the break of day awakens his slumbering consciousness to a sense that with it must come full realisation of their situation. So—

" Deep into the night, drink ! "

—let them remain in the drugged somnolence of their unthinking, unperceiving and unperceived isolation.

But the darkness is no longer that of night ; it is the artificial darkness of heavily shuttered windows ; and now through a shutter's chink a blood red beam from the rising sun suddenly lights up the summer-house with an effective shaft of symbolic colour.

" Night ? " says Ottima. " Such may be your Rhineland nights perhaps "—But Rhineland is no region of the *Aurora Borealis*, and Ottima's casual remark is a momentary glimpse of incompatibilities between the characters of Sebald and Ottima ; psychologically they are poles apart, with no common idiom in their moral tempers.

" This blood-red beam through the shutter's chink—We call such light the morning "—and the moment she sees the sign of the dawn, she, unlike Sebald, is eager to see daylight and to feel the morning air, her light sensuous temperament unencumbered by impediments such as conscience, thirsting only for the bodily sensations of living which to her are what life means.

" Let us see ! "

inviting him to throw open the shutter. He stumbles dazedly towards the lattice in the half-light of the shadows.

"Mind how you grope your way though!"

The word "grope" is palmary: it brings the situation and the action vividly into sight.

"How these tall
Naked geraniums straggle!"

Again, a masterpiece of staging, of dramatic symbolism by means of casual properties. In the neglected summer-house, towards the window are the gaunt bare sprawling limbs of dormant geranium stalks, like dead men's bones, standing as distortedly erect as skeletons hanging from gibbets. Sebald staggers feeling for the window across the frame in which these morgue-like stems are standing. As he fumbles, the nervous tension of the scene tightens—Ottima's petulant "Nay, do I bid you?" is a flash of her own overraught senses.

"It shakes the dust down on me!"

and the dust not only falls to spoil her dress, it momentarily frays her nerves to a snap of ill-temper.

"Why of course
The slide-bolt catches."

Sebald, still half-stupid, is pushing at the window without releasing the catch: and the dust-cloud grows in its symbolic import. The airless, dust-laden atmosphere of the neglected summer-house chokes the lungs as it stifles the moral sense.

But Ottima's nature is capable of quick moods of recovery. She turns her soiled dress into a pleasantry with which to cajole Sebald back to yesterday's feeling:

"Well, are you content,
"Or must I find you something else to spoil?
Kiss and be friends, my Sebald!"

But he does not hear her: the lattice is open now and his eyes are riveted on the world outside. Seeing his look, she nonchalantly asks

"Is it full morning?"

and as he does not answer, she is again touchily petulant.

"Oh, don't speak, then."

But it is neither the morning, nor the outspread world at which he is staring. It is the house across the lawn—Luca's house, where Ottima and her husband lived when Sebald became her paramour.

> " Ay, thus it used to be.
> Ever your house was, I remember, shut
> Till mid-day. I observed that as I strolled
> On mornings through the vale here."

Memory, recalling earlier days at random, brings images which intensify the oppressive mood of the moment :

> " country girls
> Were noisy, washing garments in the brook,
> Hinds drove the slow white oxen up the hills : "

there was the natural joy of simple folks and the placid quietude of normal country life about him in those days :

> " But no, your house was mute, would ope no eye.
> And wisely : you were plotting one thing there
> Nature another outside."

Ottima and Luca, he feels, had dwelt in a sophisticated, unreal, artificial, devitalised world, and their very mode of existence distorted natural impulse, twisting life awry :

> " I looked up—
> Rough white wood shutters, rusty iron bars,
> Silent as death, blend in a flood of light.
> Oh, I remember ! and the peasants laughed
> And said, " The old man sleeps with the young wife."

The mention of the old man fixes his rumination to the particular circumstance :

> " This house was his, this chair, this window—his ! "

And Ottima, either heedless of what is weighing on Sebald, or feeling that he must be distracted, leans out of the window. Like the entirely sensuous person she is, her immediate sensation is mere physical joy. " Ah, the clear morning ! " She luxuriates in the view.

> " I can see St. Mark's ;
> That black streak is the belfry. Stop ; Vicenza
> Should lie—there's Padua, plain enough, that blue ! "

With characteristic easy gaiety she invites Sebald to lean close to her so as to follow the direction in which her finger is pointing.

But Sebald is lost in other contemplations. Her awareness of morning is not his.

> " Morning ?
> It seems to me a night with a sun added."

He feels no elation in the light, no exhilaration in the day : all is as stifling and aridly oppressive as was the night—

> " Where's dew, where's freshness ? "

Straining for air, he stretches out of the window ; but he only comes on other signs of the suffocating breathlessness he is suffering :

> " That bruised plant, I bruised
> In getting through the lattice yester'eve
> Droops as it did. See, here's my elbow's mark
> I' the dust o' the sill."

The half-broken leaf, dangling by a thread, but holding motionless through the night, and the point of an elbow in the thick layer of light powdered dust, fixed as if cast in metal, are sights which turn vision and feeling into actual physical sensations of sultry airlessness. But Ottima cannot comprehend their effect on Sebald : with a gesture of irritation, she motions Sebald back—

> " Oh shut the lattice, pray."

But Sebald is obdurate for a moment :

> " Let me lean out. I cannot scent blood here,
> Foul as the morn may be."

He is bringing his mind to the crux of the matter—and so, with a gesture partly of despair, partly of determination to face up to the situation—he shuts the window :

> " There, shut the world out,"

and turns to Ottima as if for a desperate reckoning.

> " How do you feel now, Ottima ? "

For the moment, the world shut out, with its murdered corpse, its bruised plants, its parched air, its watching lids and its day ablaze with eyes—

> " There, curse
> The world and all outside—"

he will try to grapple with the oppression within him.

"Let us throw off
This mask"

The confusion in his mind, the uncertainty of his will, and the heaviness of his spirit express themselves partly as a reproach, partly as a purpose to solve the moral situation without such pretences as passion forges for its own impulsive moments. For a clue to his own disquiet he turns to Ottima :

"How do you bear yourself ?
Let's out with all of it."

But Ottima is one for whom life is nothing but the successive sensations of succeeding moments ; and so

"Best never speak of it."

Sebald, however, comes of the race which gave birth to Luther and to Kant ; in him, the mind must reconcile itself to the past as part of the present, and the moral sense must see both in the light of the future. The immediate problem is to be aware of the past without turning the present into the chaos he finds it at the moment. His first rally therefore is a bid for psychological confidence.

"Best speak again and yet again of it,"

so that his consciousness may operate intelligibly and be free from the distracting assaults with which a tyrannical memory assails deliberate reason ; in fact,

"Till words cease to be more than words. 'His blood'
For instance, let those two words mean 'His blood'
And nothing more—"

until, that is, the word is a merely objective description of the red and white corpuscles of an anonymous male.

"Notice, I'll say them now,
'His blood.'"

But Ottima cannot understand these intellectual twinges and these moral compunctions. Instinctively, she feels that this is something which in the simpler terminology of her creed is that silly abstraction which moralists call remorse :

"Assuredly if I repented
The deed—"

And, of course, Sebald has refused to see his oppression as anything which could be called remorse :

> " Repent ? Who should repent, and why ?
> What puts that into your head ? Did I once say
> That I repented ? "

Ottima knows nothing of the complicated processes from which Sebald is suffering. To her there is a simple fact ; a deed has been done :

> " No, I said the deed "—

This blunt description of their act reminds Sebald of the baffling variegated structures they have thrown over their doings to justify them to their sentiments. " 'The deed' and 'the event' : just now it was 'our passion's fruit' "—and chaos is back again within him—" The devil take such cant."

Let the situation be put bluntly in the plain phrase of the world :

> " Say once and always, Luca was a wittol,
> I am his cut throat, you are . . . "

but before he can formulate the world's inevitable verdict of what Ottima is, she realises that the situation is distressingly uncomfortable. To commit a murder for a whore makes an unpleasant picture and smothers the thrill of the event. Better rouse Sebald from this morbid mood.

> " Here's the wine ! "—

recapture the passionate sensuousness which prompted the deed, see that the cup of ecstatic joy is filled brimming—

> " I brought it when we left the house above,
> And glasses too, wine of both sorts "—

in these circumstances, preparations which none but so absolute a sensualist as Ottima would have had forethought to plan : but life to her is just a series of physical impulses. So she offers him drink, black or white, as the Italians call the red and the yellow varieties of wine. But Sebald is obsessed by the dilemma he has formulated : what, in fact, is the name for the crime thay have committed ?

> " But am I not his cut throat ? What are you ? "

He brushes aside her offer of wine: and she is momentarily at a loss, but her stray glance through the window brings sufficient distraction:

"There trudges on his business from the Duomo
Benet the Capuchin, with his brown hood
And bare feet."

Sight is a physical sensation and, so far, a pleasure. But the sight of a religious wakens in her no moral sense; it simply reminds her that a dull unexciting routine satisfies many people as a desirable mode of life, deprived, even, of the glamour of gay clothes and the comfort of warm footwear:

"Always in one place at church,
Close under stone wall by the south entry."

This, as she sees it, is not life, but mortification.

"I used to take him for a brown cold piece
Of the wall's self, as out of it he rose
To let me pass."

Existence on those terms, a flat warmthless capacity for formal movement, is unintelligible, or if intelligible at all, is no more tolerable as a substitute for life than is the inanimate, sombre motionlessness of a natural stone—

"at first, I say, I used!
Now, so has that dumb figure fastened on me,
I rather should account the plastered wall
A piece of him, so chilly does it strike."

It is her most explicit revelation of her instinctive belief; and so, again, back to the warmth and the glow of wine:

"—This, Sebald?"

offering him the black wine. But *vino nero* is not black; it is red, and Sebald, willing to fall under her heady spell again, recoils as he sees the glass of red, bloodlike liquor.

"No, the white wine—the white wine."

But he will escape from the dull oppression against which he has spasmodically and unsuccessfully struggled by seeking the opiates of sense once more. The old intoxication steals over him again.

> " Well, Ottima, I promised no New Year
> Should rise on us the ancient shameful way :
> Nor does it rise. Pour on ! To your black eyes ! "

But as the scene goes on the delirium of infatuation becomes more fitful, one casual turn of talk or another prompting a repugnance in him which brings fleeting moments of lurid comprehension. The successive moods of ecstasy and doubt on his part, and of alluring abandon and nonchalant pique on hers are perfect dramatic action, since, for the moment, nothing matters except the interplay of these two beings each on each. But the course of it cannot be followed in detail here. It is in Browning's text, where all who will may read. Its major moments, however, can be briefly indicated.

He rejoices that at least the death of Luca spares him the thought that the old wittol may be fondling Ottima. And so Ottima immediately suggests that he, not Luca, should fondle her :

> " Do *you*
> Fondle me then ! "

But the invitation, the thought of touching her, excites a revulsion which he tries to explain away. They must not parade their affection with outward display of love-making, lest it should seem that the bond which binds their spirits together is nothing but a sensuous habit, or even worse, the consciousness of complicity in a *crime passionel.* It is not Luca, what he was, and what now he is, which really holds them together, is it ? But for Ottima, Luca's corpse is nothing more than a pledge of her release from the daily horror of Luca alive. She offers to show Sebald how she will triumphantly avenge herself on the old man's corpse. She will go from the summer-house to the room across the lawn in which his body is still lying, she will hold its two dead hands apart, grasping Sebald's, like this. But her touch starts a violent recoil in Sebald—

> " Off, off—take your hands off mine,"

though he goes on at once to explain the nervous revulsion away—

> " 'Tis the hot evening, off "—

and when, in amazement and irritation, she points out that it is morning, he can only mutter

> "Oh, morning, is it?"

Intuitively she realises that to calm Sebald's nerves the corpse must be disposed of. It is a two-handed task: bribe Sebald to do it, by the lure of subsequent raptures.

> "Come and help to carry. We may sleep
> Anywhere in the whole wide house to-night."

But again Sebald is physically unable to face the sight of the corpse; he torments himself with the thought of what it will look like, and stares through the summer-house window at the room across the lawn where now it may have rolled over from face downwards, as it fell, to be face upwards the more gruesomely to confront its murderer. Ottima, by his side, gazes as he does through the dusty pane. But all she sees is her own face as in a mirror; wherefore naturally she falls to preening herself and wheedling him at the same moment.

> "This dusty pane might serve for looking-glass.
> Three, four, four grey hairs—"

The nonchalant composure, "three, four, four grey hairs," is the superb self-possession of entire unmoral indifference.

> "Four grey hairs! Is it so you said
> A plait of hair should move across my neck?"

And seductively deploying the witchery of locks coiled this way and that, she tries to weave the spell of old allurements. But Sebald resists, at least up to a point. He disclaims sorrow or penitence for the murder; he even glories that their deed was criminal, for sin must be the price of superb endeavour. But his nature is still not at ease; and he seeks to trace the cause of disquiet, not to the murder as a sin, but to the aesthetic horror of biting the hand that has proffered food:

> "Do lovers in romances sin that way?"

Ottima is unaffected by such sentiment, and rapturously declares that their deed was amply worth all it entailed, was more ecstatically sufficient because it was purchased at such price. She excites him to fervid memories of their passionate experiences;

he feels himself irresistibly caught again in the fevered intoxication of her bodily presence :

"Slower, Ottima !
Less vehemently ! Love me !"

He is entirely in thrall again—misgivings, questionings, oppressive promptings all dissolved by the old spell :

"I kiss you now, dear Ottima, now and now."

But as she is entrancing him with the old magic, there breaks on his ear the voice of Pippa, singing as she passes,

"God's in his heaven—
All's right with the world."

The spell is broken—the body of Ottima is as repulsive as a leprous corpse :

"Go, get your clothes on—dress those shoulders . . .
Wipe off that paint. I hate you !
My God, and she is emptied of it now !
Outright now ! how miraculously gone
All of the grace—had she not strange grace once ?"

This to Ottima is madness or perfidy. In her amazement she tries to follow his words ; then, in her anger, reviles him for his desertion. But in the paroxysm of her scorn, she sees that he is drinking poison. Stung to intensest feeling, the fiercest instinct in her nature, her sensuous and sensual impulse sublimates itself into pure and passionate longing :

"Me ! no, no, Sebald, not yourself—kill me !
Mine is the whole crime. Do but kill me—then,
Yourself—then—presently—first hear me speak !
I always meant to kill myself—wait, you !
Lean on my breast—not as a breast ; don't love me
The more because you lean on me, my own
Heart's Sebald !"

Then, as he dies, her prayer—

"Not me—to him, O God, be merciful"—

exalts passion into the love which passeth understanding.

If Browning had written nothing after *Pippa Passes*, it would have been said that the world had lost a stupendous dramatist. The judgment would have been understandable, for nowhere is there a more prolific display of so many of the gifts of a dramatist destined to be great. But it would have been wrong. Browning proved later that he was not a great dramatist. Even this matchless scene of Ottima and Sebald provides evidence of his disadvantages. But it is evidence rather from what its author does not attempt than from failure to achieve all that lies within the scope of the particular scene. And assuredly it is an unmistakable pointer to what his genius would attain when once it had discovered how adequately some mode of dramatising a lyric would reflect his imaginative apprehension of life. The discovery was made, and Browning of the dramatic lyrics is one of England's greatest poets. He is not one of her greater dramatists ; he is indeed a failure as a dramatist. The primary cause of his failure was his conviction that man's relation to God is infinitely more important than his relation to his fellow-men ; and, remembering the wide connotation attached in our currency to the name of God, he would be a bold man even in this sociological age who would assert that Browning may not after all be right.

# RICHARD ROLLE AND THE SORBONNE.

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THE inclusion of Richard Rolle among former students of the famous Sorbonne is found, for the first time in print, it seems, in a book on the Paris Faculty of Theology and its most famous Doctors, by Féret.[1] It is made on the authority of a statement in MS. 1022 of the Bibliothèque de l'Arsenal, Paris, a seventeenth-century compilation on the history of the Sorbonne.

This statement Féret accepted without question. To Miss H. E. Allen is due the credit of going into the matter—which is obviously of primordial interest for the study of the great hermit's works—and of attempting to test the reliability of the manuscript compilation.[2] Almost simultaneously, Dom Noetinger made a similar attempt, in the course of which he found the statement repeated, in slightly different terms, by two other Arsenal MSS. of the same compilation.[3]

Although both scholars incline to accept the statement as correct—Dom Noetinger definitely so,—neither had made anything but a superficial investigation of the case: Miss Allen had no first-hand acquaintance—and Dom Noetinger only a very casual one, it seems—with the Arsenal manuscripts. They both believed that the original documents, contemporary with Rolle's alleged stay at the Sorbonne, from which the seventeenth-century compilers had derived their information, were lost, depriving us of the means to check the veracity of the conclusions.

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[1] Pierre Féret, *La Faculté de Théologie de Paris et ses Docteurs les plus célèbres*, Paris, 1894-97, t. III, p. 247.

[2] H. E. Allen, *Writings ascribed to Richard Rolle Hermit of Hampole and materials for his biography*, P.M.L.A. Monographs series III, 490-500.

[3] *The Month*, January 1926; *Le Feu de l'Amour Divin, etc.*, Mystiques Anglais, Tours, 1928, pp. xviii-xxii.

In the following pages will be found an outline and the main results of a prolonged investigation. It will be seen that, far from being lost, all the sources utilised can be identified with precision in various manuscripts from the old Sorbonne library, now scattered in various Paris libraries ; and that, although the amount and even the quality of the general information contained in the compilation may, as a whole, be regarded as valuable, its assertion of a sojourn of Rolle at the Sorbonne is totally unwarranted.

## I. The Manuscripts.

There are, in the Arsenal library, four large manuscript volumes relating to the history of the Sorbonne and containing references to Richard Rolle of Hampole. They are MSS. 1020, 1021, 1022, and 1228. Formerly belonging to the Sorbonne library, they form part of a series of six which—as may be seen on the manuscripts and also in the Arsenal catalogue—were previously classified 130 H.L. to 135 H.L. in the following order : 1020, 1021, 1022, 1166, 1228, 1023. These six volumes, which were consulted and quoted from by several historians of the Sorbonne or of the University of Paris,[1] consist of a compilation of notes, partly from original documents, partly from later authorities, concerning the origin, development and influence of the famous House, with especial reference to its members from the earliest times.

The compilation is not, however, one continuous whole running through all the volumes, and these merely repeat, occasionally complete, sometimes contradict one another. The main difference between them is that they represent the various stages in the elaboration of a history of the Sorbonne : the notes appear first as a jumbled collection on papers of all sizes, bound together later for convenience, and then transcribed and gathered under various headings—those of the chapters which were to make up the finished work. The collection was begun about the middle of the seventeenth century : this is the date of the earliest handwriting; moreover, the complete lists of students all come down at least as far as that period; lastly, the earliest presumed authors were librarians of the Sorbonne about that time.

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[1] Chiefly : P. Féret, *op. cit.* O. Gréard, *Nos Adieux à la vieille Sorbonne*, Paris, 1893. A Franklin, *La Sorbonne, ses origines, sa bibliothèque*, etc., Paris, 1875. L. Delisle, *Le Cabinet des manuscrits de la Bibliothèque Impériale* (Nationale) t. II and III ; cf. *infra*.

It is generally agreed that the first of these compilers was Claude Héméré, Sorbonne librarian from 1638 to 1644, who died in 1650[1]—MS. 1228 bears the inscription, in a later hand: "Héméré. Histoire de la Sorbonne. 6: Miscellanées"; that the work was resumed by some of his successors—among whom Gréard[2] suggests Meusnier, who was received into the House in 1626, became a fellow in 1628, remained a member at least until 1646, and was appointed Dean of Orléans in 1648, and Mauduison, who belonged to the House as early as 1688; and that some, at least, of the volumes came into the possession of Ladvocat, professor and librarian 1742-65, who also intended to write a history of the Sorbonne;[3] this is testified both by an inscription on MSS. 1020 and 1021 "Ex dono colendissimi socii S. M. N. Ladvocat, vigilantissimi hujusce domus bibliothecarii," and by the following note on the fly-leaf of MS. 1166: "Ce manuscrit a appartenu a M. Ladvocat, Bibliothécaire de Sorbonne, lequel avait inséré un petit papier dans une des pages avec cette note: 'Ce livre m'appartient; il m'a couté dix écus; il a été composé par M. Héméré.' Je l'ai acheté des héritiers de M. Ladvocat pour la Bibliothèque. (Signed) Adhenet." Below this, on a strip of paper: "Je soussigné reconnois avoir entre les mains un manuscrit appartenant à la succession de feu Monsieur l'abbé l'Avocat, lequel a pour titre: Sorbonae origines, disciplina, viri illustres" (unsigned).

Thus, between Héméré and Ladvocat, the original notes and first drafts were transcribed several times and, in some cases, brought up-to-date. Hence a great variety of hands which accounts for the variations in the dates assigned to the volumes in the Arsenal catalogue and by the several authors who made use of them. We might, for our present purpose, remain satisfied with the facts just mentioned about the authorship of the compilation. It may be interesting, however, to note here that the Charles Meusnier mentioned by Gréard seems to have had a more important share in the inception of the work than is generally believed. Among the papers of all sizes which make up MS. 1228 is inset (fol. 139) one which had been used as an envelope for a letter addressed :

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[1] Cf. the Arsenal catalogue, t. VIII, p. 518, note.

[2] *Op. cit.*, p. ix, note.

[3] J. B. Ladvocat was admitted to the Sorbonne as "hospes" in 1734 and as "socius" in 1756. He became Librarian in 1742.

> " A Monsieur Meusnier, docteur de Sorbonne, Doien de l'Eglise d'Orléans, en la maison de Sorbone. A Paris. Port : deux sols."

The broken red wax seal still adheres to the paper. On fol. 550 v there is another mention of " Mr. Charles meusnier, Docteur en théologie " on the verso of the last item in the volume. Again, folios 111-112 v consist of a letter, intact and also bearing the wax seal, addressed to

> " Monsieur Meusnier, Docteur en théologie, Chanoine et Archidiacre de l'église d'Orléans et Grand Vicaire de Mons. d'Orléans."

It would seem that Meusnier found a ready use for the paper supplied by his correspondents.

More explicit is the evidence supplied by one of the notes on Rolle, which will be quoted at length and discussed later. The same text appears, with minor variants, in all four MSS. Referring to the works of Rolle just enumerated, the writer says, in MS. 1228 : " *Vidi ego* ex his omnibus tria dumtaxat opuscula inter libros Sorbonae." MS. 1020 has, instead : " Carolus Musnerus (harum collectionum author : *crossed out and replaced by*) noster asserit se vidisse tria etc. . . ." MSS. 1021, and 1022 its duplicate, have accepted the correction and simply say : " Carolus Musnerus noster asserit se vidisse etc. . . ." It may be that the transcriber who crossed out " harum collectionum author " regarded the statement as too generous towards Meusnier, when another, or others, had made substantial additions to the work of the original compiler. But the latter may well have been Meusnier who, it must be remembered, was a member of the Sorbonne as early as 1626 and for over twenty years.

A more immediately relevant question is that of the mutual relationships of the four MSS. As already stated, they repeat one another in many places : the same biographical notes, e.g. that on Rolle, appear in each of them, with hardly any variants. It is therefore of importance to find which version is the oldest, since it is likely to be also that closest to the document from which the information has been drawn.

There can be no doubt that MS. 1228 is the earliest collection. The summary distribution of its contents under the various sources, the crude appearance, the miscellaneous nature and the haphazard arrangement of many notes—a limited number only of which found a place in the subsequent drafts—the numerous corrections in the wording of those portions which are not mere transcriptions of original pieces, all this tends to make the MS. appear as the very first stage in the elaboration of the History of the Sorbonne contemplated by the compilers.

This relationship of MS. 1228 to the others may have been seen already in the short passage mentioned above, with its variations in the four volumes ; it will appear better from the description of the MSS. given below, and it is confirmed even by the fact that, at some later date, MS. 1228 was relegated to the end of the collection with the title : "6 : Miscellanées" : its practical value had by then considerably decreased since most of the materials it contains were to be found in a better digested and more accessible form, in the other manuscripts. But, if one wants to trace the provenance of any one of these materials and see it as it first appeared to the compilers, it is undoubtedly there that one must seek it first. MS. 1228 is therefore the most valuable for our purpose.

MS. 1020 represents, in the main, the first "fair copy" of several articles contained in 1228, chiefly those gathering the names which occur in the miscellaneous documents analysed in MS. 1228. Some of these articles are repeated several times, in whole or in part, in 1020.

MS. 1021 comes next, as a new draft, in which the arrangement of the subject-matter is somewhat different from that in MSS. 1228 or 1020, but its substance is identical.

MS. 1022, as the catalogue points out, and as even a cursory examination reveals, is a replica of MS. 1021, with this difference that the textual emendations have been smoothed in and the marginal additions incorporated in the text, and that the handwriting is much more legible than that of MS. 1021. But there are many gross errors in the transcription : some specimens of these will be found in the long note on Rolle below. It seems that this copy must be the work of a scribe with a good hand but a poor intelligence and a complete ignorance of Latin, whereas MS. 1021, with its numerous corrections and additions and its rather bad handwriting, is probably the personal work of one, or several, of the compilers.

Only an incomplete, and in certain points incorrect, description of the manuscripts is given in the Arsenal catalogue. A somewhat more detailed description is given here, especially of MS. 1228. This will serve as an illustration of the few remarks just made on the contents of the volumes and as a basis for the discussion of the evidence they offer on Richard Rolle's sojourn at the Sorbonne. The references to Rolle found in the manuscripts are of three kinds : a simple mention of his name in lists of students, fellows, etc. ; a short note containing the gist of the information allegedly supplied by the mediæval sources ; a long note amplifying this information by means of later bibliographies. Each reference will be noted in black type, in the course of our examination of the manuscripts.

MS. 1228 :

I. The first portion of the volume (fols. 1-71) consists of a rough classification of materials gathered under the various sources consulted :

Fol. 1 : " Inventaire des tiltres " : transcripts of donations, wills, and fragments of statutes.

Fol. 31 : " Ex libro bibliothecae " : a register of loans and returns of books, from the fourteenth century to the middle of the fifteenth. A list of the names found in this register follows, the last being that of one Palenk " prior an. 1430 " given under 1462. Unfortunately, the titles of the books are not given.

Fol. 41 : " Ex veteri calendario Missalis MS. quod extat numero 749." Excerpts from an obituary now extant as MS. Lat. 15615 in the Bibliothèque Nationale (see description, *infra*, p. 90).

Fol. 46 : "Extracta ex Calendario domini Prioris," i.e. from a duplicate of the preceding item, now MS. Lat. 16574 in the Bibl. Nat. (cf. *infra*, p. 90).

Fol. 50 : A miscellany of notes—historical, anecdotal, biographical and bibliographical—relating to the Sorbonne. Some of these are taken from manuscripts bequeathed to the Sorbonne by former students. A greater number, however, are borrowed from an authority which a later hand has noted in the margin : "Ciaconius," i.e. the sixteenth century *Bibliotheca Ecclesiastica* of the Spaniard Alphonzo Chacon.[1]

Fol. 67 : "Ex registro Priorum ab anno Domini 1540." This register, a continuation of the *Liber Prioris*, is now, with others which continue it uninterruptedly until 1792, in the Archives Nationales, MSS. MM. 268-9, 271-2, 276-7. There is also, in the Bibliothèque Nationale MS. 15441, a transcript of the first two of these, running from 1540 to the seventeenth century ; but this copy is later than our MS. 1228.

Fol. 70 v : "Ex libro computorum ab anno 1386 ad 1415." The document referred to here is apparently lost. Such, at least, is the opinion of Gréard (cf. *infra*, p. 86). Under this heading, as under the last one, MS. 1228 only gives a list of names with the quality (hospes, socius, prior, etc.) of the individuals, and dates which are often mere approximations.

Fol. 71v : "Prelati de Sorbona" ; another list of names drawn from the sources already analysed, and stopping in 1639.

II. Then follows, down to fol. 278, a bundle of materials too numerous to be listed here in detail ; but the following titles may give an idea of their variety and comparative interest :

"Ordo generalis omnium tam ahenarum tabellarum quam tumulorum in ecclesia Sorbonica appositorum" (fol. 93)—Minutes of meetings of the Sorbonne council ; these are late and probably contemporary with the compilation (fol. 100)—Excerpts from the registers of Parlement (fol. 103)—A document signed : Jacques d'Estouteville ; lists of donations beginning with 1289, a repetition of the article on fol. 46 *sq.*, and drawn from the *Liber Prioris* (fol. 107). The letter signed: Jullien and addressed to Meusnier, which has already been mentioned: it contains a report on a recent assembly at the Sorbonne; at the bottom is the note: "L'affaire est remise a Mercredy" (fols. 111-112$^v$)—An alphabetical list of fellows gathered from the documents listed in section one of the MS.; under *R* is found **"Richardus de Hampolo"** (fol. 133)—A list of "Scriptores Sorbonici," from the same sources; under No. 99 (fol. 137$^v$) is again found **"Richardus de Hampolo"**—"Tituli questionum Magistri Joannis Clarambaudi de Gonessia ex MS. 148": on the back of a letter addressed to Meusnier; cf. *supra*, p. 71. (fol. 139)—A document relating to a dispute between the University and the Mendicants, 1456 (fol. 140)—Excerpts from Matthew Paris, anno 1253 *sq.* (fol. 147)—The will of Edmund Richer "doctoris theologi Parisiensis" (fol. 153); this is transcribed again on fol. 154.—The will of Robert de Douai, dated 1258 (fol. 190)—The will of Robert de Sorbon, 1274 (fol. 193-4)—Brief notes on the origin of the Sorbonne (fol. 196)—etc., etc. Fol. 276 consists of an original large printed bill announcing the maintaining of a thesis for the Licence in Theology, or Sorbonnique, on the subject: "Quis fecit hominem ad imaginem suam?" A summary of the main lines of the argumentation is given, followed by the announcement proper: "Has theses, Deo duce et auspice Deipara, tueri conabitur Jacobus Macdonogh, Presbyter Laonensis, sacrae Facultatis parisiensis Baccalaureus theologus, Sorbonicus, die Lunae trigesima mensis Septembris, anno Domini 1748, a sexta matutina ad sextam vespertinam, in Sorbona. Pro Sorbonica." The late date of this event shows that all the documents collected in this volume were not bound till long after the first compilers had begun their work.

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[1] Published also posthumously by F. D. Camusat under the title : *A. Ciaconii Bibliotheca libros et scriptores fere cunctos ab initio mundi ad annum* 1583 *ordine alphabetico complectens*, Paris, 1751.

III. The next section of the volume, extending almost to the end, is very interesting, because it contains the first attempts at a synthesis of the data gathered above and also because one finds there for the first time, and in their primitive form—as the numerous corrections show,—the short and long notes on Richard Rolle.

Fol. 278: "Nomenclatura brevis Sorbonae, secundum ordinem provisorum et, quantum fieri potuit, annorum seriem digesta per modum indicis." This is a grouping of students' names under their respective provisors, which, as the title indicates, might be used as an index to the following item; but the present article is very short: it ends under the 3rd provisor, Petrus de Villa petrosa (d. 1299); the name of Rolle, therefore, does not appear in the list.

Fols. 284-322: "Nomenclatura Sorbonae seu Provisorum et Magistrorum (seu sociorum ac hospitum: *added*) omnium quotquot (ab eiusdem domus: *crossed out*) a primordiis (domus Sorbonae: *added*) reperiri potuerunt (ex operibus manuscriptis ac instrumentis publicis deprompta: *added in margin*) nomina, ordo et series." In this list, notes are appended to most of the names. Rolle is mentioned under No. 123 with what, for the purpose of this article, we call the **short note:**

"123. Richardus de Hampolo, cuius mentio inter socios Sorbonae in Libro Prioris circa annum 1326. Videtur ad (*altered from:* in) sodalitium iam admissus ante 1320. De illo MS. 1065 ubi nonnulla extant eius opera, diciturque obiisse anno 1349 apud sanctimoniales de Hampolo iuxta Dancastre in comitatu Eboracensi. Moritur autem Eremita cum opinione sanctitatis."

The list ends under the fourteenth Provisor (Joannes de Thoisy, d. 1418) with the name (no. 373) of one Dominicus Francisci. After which seven pages are blank.

Fol. 324-33$^{v}$: A long, though unfinished, biographical note on "Robertus de Sorbonio Domus Sorbonicae author et primus provisor," with many marginal references to the French and Latin authors that have been used in the composition of this chapter. 11 blank pages follow.

Fols. 334-43: "Catalogus Provisorum Sorbonae." This article, in a different and very fine hand, is again a plain list: each page bears the name of one Provisor, with the students present in the House during his term of office. The names are the same as those in the "Nomenclatura" (fol. 284-322). Curiously enough, there are no students listed under the 7th and 8th provisors (years 1327-61), a reflection, perhaps, of the troublous times which the student world must have gone through with the rest of the country. The last name given is that of the

16th provisor, Joannes Thuillier ". . . moritur anno 1500." Under the 5th provisor (fol. 338), the list is as follows :

5. Radulphus Brito :
(5$^{us}$ *crossed out*) provisor (moritur *crossed out*) nominatur 1315, moritur 1320.
Huius tempore fuerunt :
Joannes de Assenede
Alanus de Pemuech (*This name has been corrected and should read* Penrith : cf. *infra*, p. 93).
Joannes Comtesse
Jacob. Benedictus de Dacia
Balduinus de Bruilina
Clarinus de Sedeloco
**Richardus de Hampolo**
Clemens quidam
Astorgius de Aquabona curatus
Arnulphus prior ibidem.

Fols. 344-354 : Another list similar to that on fol. 284 (Nomenclatura Sorbonae) but with variants : some names have been removed or displaced, others are numbered differently ; moreover, the writing is bad, sometimes hardly legible : all indications that we have here a first draft. The list in which Rolle's name appears is composed as follows :

(fol. 344$^{v}$) 127. Joannes de Assenede
(Annibaldus de Ceccano : *crossed out*)
111. Petrus Rogerii
119. Annibaldus de Ceccano (*added in margin*)
123. Petrus de Croso (*added*)
77. Jacobus Brito
77. Bertrandus de Brunimonte
77. Alanus de Penrith
79. Joannes Comtesse
78. Jacobus Benedictus de Dacia
1320 97. Balduinus de Bruilina
97. Clarinus de Sedeloco
99. **Richardus de Hampolo**
99. Clemens quidam
100. Astorgius Curatus de Aqua bona
100. Arnulphus prior,
*etc.*

This list goes as far as 1606 and ends with the names of : Urbanus Garnier, Joannes le Maire, Adrianus Beret (*or* Benet ?).

Fols. 355-57$^{v}$: "Catalogus Provisorum Sorbonae." It ends with the 23rd and 24th provisors, two famous personalities:

23. Henricus de Gondy, Cardinalis Retzius nuncupatus, ipse quoque Parisiensis episcopus Patruo suo successit, obiit vero 1622.

24. (Joannes Armandus du Plessis Cardinalis, Dux de Richelieu, Provisor: *crossed out*).

On fol. 357 is what looks like a brief supplement to the above list, ending with: Bernardus Aurelianus.

Fol. 358: "Ordo Scriptorum Sorbonicorum"; a list in which the forty-first name is **Richardus de Hampolo**; there is another short continuation on fol. 360.

Fols. 362-413$^{v}$: "Bibliotheca Sorbonae, seu liber de Scriptoribus Sorbonicis." In alphabetical order and from *A* to *G*, this catalogue of Sorbonist writers contains notes on some of them; others are named only. It begins with "Armandus Joannes Duplessis, Eminentissimus S. R. E. Cardinalis, dux de Richelieu (nothing more)," and ends with "Guillelmus de Sancto Amore." Six blank pages follow.

Fols. 415-89$^{v}$: "Bibliotheca Sorbonae seu monimentorum Sorbonae Liber 4$^{us}$ in quo agitur de Scriptoribus Sorbonicis." This section is by far the most considerable in the volume. It contains a first draft of the **long note** on Rolle, which we shall find again in other MSS. and the text of which will be discussed below. The whole chapter has the appearance of a first outline. There are numerous erasures, and the numbers prefixed to the students' names have all been changed at least once. The last name followed by a note is that of one Michael Thyriotus, "Cardinali Condio nuncupato familiaris," who was at the Sorbonne *circa* 1586.

IV. The last fifty pages contain transcripts of various items, most of which have already appeared in the first parts.

MS. 1020:

A large volume of 677 pages, written in the eighteenth century according to the catalogue, it contains seven parts:

I. Pp. 1-542: "Bibliotheca Sorbonica, seu Liber de Scriptoribus Sorbonicis." A repetition and continuation of the last large item in MS. 1228, fol. 415 *sq.* The **long note** on

"Richardus de Hampolo" is No. 54 (fol. 120): the variants in this MS. are indicated *infra* (p. 95). The list ends here with Richelieu.

II. Pp. 1-40: A chronological table of the first years of the Sorbonne, beginning with

Annus Christi 1250
Innocentii IV Papae 4, Ludovici IX regis 24, fund. domus 1.

but stopping with the year 1253.

III. Pp. 1-6: A list of names from the Liber Prioris, for the years 1339-43, with brief notes. Actually, this is only a fragment of a chapter which amounted originally to 70 pages. Pages 1-64 are missing.

IV. "Nomenclatura Sorbonae, seu Provisorum et Magistrorum tam sociorum quam hospitum quotquot a primordiis domus Sorbonae reperiri potuerunt nomina, ordo et series, Ex veteribus manuscriptis ac Instrumentis publicis deprompta." A transcript of part of the item on ff. 284-322 of MS. 1228: there are only 32 pages on Robert de Sorbon.

V. "Nomenclatura Sorbonae, etc." Same as the last, and even shorter: pp. 15. The copy is neater, however, and with fewer corrections.

VI. Same item, going as far as 1266. Dates are inserted in the margin.

VII. Same item, beginning with Robert de Sorbon and Robertus de Duaco "alter fundator Sorbonae," and containing more details about Robert, including his horoscope.

MS. 1021:

I. Fols. 1-40: "Domus et Societatis Sorbonicae historia." The names of "hospites" or "socii" are again given under those of their respective provisors. Each name is followed by a brief note.

II. Fols. 41-222: A continuation of the above. Under the 5th provisor (p. 78), the students are: Rodulphus, Prior; Joannes de Assenede; Alanus de Pemrech Joannes Comtesse; Jacobus Benedictus de Dacia; Balduinus de Bruilina; Clarinus de Sedeloco; Richardus de hampolo (with **the short note**); Clemens quidam; Astorgius Curatus de Aquabona; Arnulphus prior ; Hugo de Durso vel de Duno ; Lambertus de Oiiestbourg ; Nicolaus de Ultricuria.

III. Pp. 223 *sq.* : "Tertia pars Historiae Sorbonicae. De Scriptoribus Sorbonicis eorumque praeclare gestis."

Ricardus de Hampolo appears under No. 56, with the **long note.**

The list ends with No. 287 : Carolus Malet (middle of the seventeenth century).

MS. 1022 :

As already pointed out, this is only a "fair copy" of MS. 1021. It therefore contains one **short note** (p. 71) and one **long note** (p. 122) on "Richardus de Hampolo." The third part ends here with No. 155 : "Antonius Demochares."

Besides the four volumes just described, there are several other manuscripts formerly belonging to the Sorbonne library which must be briefly mentioned here either because, as Arsenal 1023, 1166, and 1167, or Bibl. Nat. Lat. 16071 and 5493, they are late compilations from the same sources, though being of little or no interest regarding Richard Rolle, or because—as B.N. Nouv. acq. lat. 100 and 101—they are of assistance in testing the value of the evidence supplied by our compilers.

MS. 1023 of the Arsenal—of which there is a duplicate in the B.N. MS. Lat. 16071—is a very large eighteenth century, well written, volume entitled : "Disciplina domus Sorbonicae." It deals exclusively with the "Constitution" of the House, describing the duties of the various officials (De officio Prioris —De officio magistrorum—De domino seniore—De domino conscriptore—etc.), the organisation of studies (De cursu philosophico . . .) and referring even to matter-of-fact details (De vino—De cubiculis—De mulieribus arcendis . . .). The subject-matter has been brought up-to-date ; thus, on p. 13 : "Die 24 Aprilis ejusdem anni 1671 sequentia addita sunt," and, opposite another chapter—"De officio divino et missis celebrandis in sacello,"—several seventeenth- and eighteenth-century dates have been added in the margin. It is of this volume that Gréard wrote that it is "confused, incorrect in some points . . ., and nearly everywhere full of gaps."[1] It contains no lists of students.

MSS. Arsenal 1166 and Bibl. Nat. Lat. 5497. Gréard wrote that Arsenal 1166 was a copy "literal enough but often ill-reasoned" of B.N. Lat. 5493. This is not quite correct, for Arsenal 1166 contains only the first of the three parts which make up B.N. Lat. 5493 and are described in the Bibliothèque Nationale manuscript catalogue as follows :

I. Sorbonae origines, disciplina, viri illustres, auctore Hemeraeo, socio Sorbonico. (The ascription to Héméré is probably derived from the note affixed to MS. 1166 and quoted above, p. 70.)

II. Statuta, Rotuli de Sorbona, et alia ad collegium Sorbonicum spectantia.

III. Statuta Facultatis Theologiae Parisiensis, ex vetustiore codice pergameno descripta. Is codex partim decimo sexto, partim decimo septimo saeculo videtur exaratus.

The three parts were originally quite distinct. The second is, to us, the most interesting, for it is a transcript of the first half—rearranged in a strict chronological order—of MS. Lat. 16574 of the Bibliothèque Nationale which, as will be seen later, is to be identified with the *Liber Prioris* mentioned so often by the compilers.

MSS. Bibliothèque Nationale Nouvelles acquisitions latines 100 and 101. These were formerly Arsenal MSS. 6264 and 6268, and are described under these numbers in the Arsenal catalogue. They were transferred to the Nationale in 1928.

Both manuscripts are identical in substance and contain an eighteenth-century catalogue of the Sorbonne manuscripts. Both bear the old Sorbonne stamp. But MS. 100 is a better copy and also has two indexes—of authors and of subjects—as well as a very useful concordance of old and new library marks, which are not in MS. 101.

The catalogue consists of two parts : the original Sorbonne stock, and a list of the MSS. bequeathed by Richelieu, as the title in MS. 100 states :

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[1] Cf. *infra*, p. 88.

"Catalogus codicum manuscriptorum Sorbonicorum in duas partes divisus, quarum prior continet codices a domo Sorbonica comparatos, posterior complectitur eos qui a bibliotheca Richeliana in Sorbonicam translati fuere."

To this a later hand has added:

"a S. M. N. Guédier de Saint-Aubin, bibliothecae Sorbonicae praefecto, elaboratus et manu sua scriptus."

The only MS. of Rolle mentioned in this catalogue is "No. 397, alias 1065, nunc 1441" which is quoted by the compilers of the Arsenal MSS.[1] and is now B.N. Lat. 15700.

Lastly, MS. Arsenal 1167, which belongs to the same collection as 1228 and its copies, although it has no particular connection with the Sorbonne, contains an "Index scriptorum ecclesiasticorum." On fol. 113v one finds the following note on R. Rolle:

> Richardus (de: *crossed out*) Hampolus, Eroemita Aug. 1340. Scripsit de Emendatione peccatoris et de regula bene vivendi; lib. Enarrationum compendiosarum et piarum in Psalter. In cantica veteris testamenti in ecclesiasticis officiis usurpata. Comment. spiritualis in Psalm. 20. Comment. in orationem dominicam, symbolum apost. et S. Athanasii. Comm. in nonnulla loca cantici cant. In Trenos Jeremiae, in aliquot capita Job, et alia quaedam pia opuscula omnia edita. Annot. in apocalypsim et tract. de vita activa et contemplativa mss.

The information given in this note is evidently valueless. It is, in fact, borrowed from Wharton's appendix to Cave.[2] Several bibliographers—especially Gandolfo[3]—have followed Wharton in asserting that Rolle belonged to the Augustinian Hermits, and Dom Noetinger has shown how the mistake originated in the fact that, in the thirteenth century, Innocent IV and Alexander IV had decreed that all hermits should follow the Rule of St. Augustine, although their decrees had no effect in England.[4]

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[1] Cf. *supra*, p. 76, and *infra*, pp. 86, 96.

[2] G. Cave—H. Wharton, *Scriptorum Ecclesiasticorum Historia Literaria*, Oxford 1743, Appendix, p. 40.

[3] D. A. Gandolfo, *Dissertatio Historica de ducentis celeberrimis Augustinianis scriptoribus ex illis qui obierunt post magnam unionem Ordinis Eremitici usque ad finem Tridentini Concilii*, 1704. Gandolfo says he relies on Wharton's statement because the latter had seen a MS. of Rolle's *Office* in the Cottonian Library, and adds: ". . . eapropter similis haesitatio modo cessare debet." But, of course, there is no mention of Rolle belonging to a religious order in the *Office*.

[4] *Le Feu de l'Amour, etc.*, p. xvii.

The same erroneous statement is already found, however, in Leland's *Commentarii.*[1]

## II. THE SOURCES AND VALUE OF THE EVIDENCE.

Miss Allen and Dom Noetinger[2]—the latter without reservation—accept the evidence of the seventeenth-century compilers concerning Richard Rolle's stay at the Sorbonne. Their reasons for doing so are, however, far from convincing. Dom Noetinger, who does not accept the statement in the *Office* that Rolle studied theology at Oxford,[3] was only too glad to find here another explanation for the indisputable scholastic training of the holy hermit. " The authors of these manuscripts," he says, " have evidently worked on original documents, especially on the *Liber Prioris*, or register of admissions to the Sorbonne, to which they expressly refer ; it is impossible that they should have inserted the name of Rolle and the details which follow if they did not find them in the lists under their eyes."[4] The first part of this statement—apart from the fact that the *Liber Prioris* was not, as Dom Noetinger believed, a register of students—is acceptable enough ; the second merely begs the question. Miss Allen had been far more cautious although, ultimately, she reached the same conclusion and, from Rolle's alleged sojourn at the Sorbonne, drew a number of inferences which, of course, collapse as soon as the fact on which they were based is disproved. She wisely consulted men who had been, or were, in a position to form a well-qualified opinion on the reliability of the compilations, especially MM. Franklin and Battifol. Franklin, in his book *La Sorbonne* (Paris, 1875, p. viii), in which he gives extracts of some lists from what he calls MS. 133—it was actually 134, now 1228—says of one of these lists that it is a valuable document for medieval literary history." M. Battifol, administrator of the Arsenal library, in reply to an enquiry by Miss Allen, wrote to her: "It seems to me that the notes contained in these MSS. are accurate and conscientious."[1] But it is obvious that Franklin neither had in mind nor meant to vouch for the reliability of the compilation, but only the amount of the information it supplies. And nothing more is implied in M. Battifol's guarded answer: "Il me semble . . .": only a long and painstaking examination of all the manuscripts concerned can enable one to reach a definite conclusion as to the value of the evidence they give, and few librarians could afford the time for this, unless they made a special study of the question. Much more to the point is Gréard's opinion. He writes: "L'antique Sorbonne n'a pas eu d'Historien. Ni Claude Héméré, ni Ladvocat, ni l'abbé de Foucault [author of a brief Notice on the Sorbonne, 1818] ne méritent ce titre" (p. viii). And of the compilation itself: "L'oeuvre d'Héméré, qui ne comprend pas moins de trois siècles, de Robert à Richelieu, renferme sur cette période un grand nombre de renseignements précieux; *mais elle manque de critique;* et, alors que l'auteur, bibliothécaire de la Maison comme Ladvocat, avait entre les mains toutes les pièces—il le déclare,—on dirait le plus souvent qu'il travaille de souvenir: *ce sont des mémoires sur la Sorbonne primitive, ce n'est pas une Histoire*" (p. x). This, indeed, would be an adequate formula for the verdict we shall have to return after a thorough investigation of the case.

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[1] J. Leland, *Commentarii*, Oxford 1709. Cf. H. E. Allen, *Writings* . . . p. 419. In Moréri's *Grand Dictionnaire Historique* there is an equally wrong description of Rolle as a Dominican : " Richard de Hampolo, ou Rollus, anglois, religieux de l'Ordre de S. Dominique " !

[2] *Opera cit., supra*, p. 68, notes 2 and 3.

[3] *The Month*, January 1926 ; *Le Feu de l'Amour* . . ., 1928, p. viii *sq.* The *Office*, compiled in view of Rolle's hoped-for canonisation, was edited with the *York Breviary* (Surtees Society, No. 75, 1882), App. II.

[4] *Le Feu de l'Amour* . . ., p. xx.

Before MS. 1228 and its copies can be recognised as "documents précieux pour l'histoire littéraire du Moyen-Age," it is necessary to probe their contents and, if possible, to elucidate the methods by which their conclusions were drawn from the original documents. This we must do in the case of Rolle but, in order to obtain ample confirmation for our findings without unduly lengthening the enquiry, we may extend the latter to the names which occur in the same group, that is the names of students who are stated to have been contemporaries of Rolle at the Sorbonne, under the fifth provisor, *circa* 1320.

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[1] H. E. Allen, *Writings* . . ., p. 491.

The text, as in MS. 1228 (fol. 297$^{\text{v}}$) and the later copies, reads as follows :

(116) 1315. Radulphus Brito post mortem Joannis de Vallibus provisor electus anno 1315 et eo munere functus legitur ad annum usque 1320. Doctor antea et socius Sorbonae. Cujus obitus notatur *in utroque necrologio ad* 3 *die Kal. Augusti.*

(117) Joannes de Assenede vel, ut scribunt alii, de Hasnede, jam inter seniores Societatis numerabatur anno 1344—*ex Libro Prioris ;* hinc non immerito referendus ad tempus Radulphi Provisoris. (De illo, liber Prioris : *crossed out.*)

(118) Alanus de Penrith. Lator rotuli seu Prior Sorbonae ; *ex eodem libro fol.* 8.

(119) Joannes Comtesse inter socios nominatur *in eodem libro, ad annum* 1319.

(120) Jacobus Benedictus de Dacia, Lator rotuli seu Prior Sorbonicus anno anno 1321 legitur *in praedicto libro fol.* 9 *;* vixit autem usque ad annum 1376 et amplius, nam istius anni prima septimana scribitur extitisse *in libro rationum domus.*

(121) Balduinus de Bruilina socius nominatur *in dicto libro Prioris circa annum* 1326, quo fit ut jam in societatem ascitus videatur sub Radulpho ; ejus autem ex legato exta(n)t Biblia *in regesto anni* 1338 qua judicant ante illum annum obiisse.

(122) Clarinus de Sede loco, *ex eodem regesto* socius floruit circa tempora precedentis.

(123) Richardus de Hampolo : ejus mentio inter socios Sorbonae *in Libro Prioris circa annum* 1326. Videtur (in : *crossed out*) ad sodalitium jam admissus ante 1320. De illo *MS.* 1065 ubi nonnulla extant ejus opera, diciturque obiisse anno 1349 apud sanctimoniales de Hampolo juxta Dancastre in comitatu Eboracensi ; moritur autem eremita cum opinione sanctitatis.

(124) Clemens quidam, cujus cognomen hactenus compertum non habeo, legitur socius inter catuor (*sic*) quorum meminit praedictus *Liber Prioris, ad annum* 1326.

(125) Astorgius, curatus de Aqua Bona ; Prioris Sorbonici seu, ut leguntur tabulae, Latoris rotuli, munere functus est anno 1325 : *ex eodem libro fols.* 9 *et* 10. Hinc jam socius antea, tempore Radulphi.

(126) Arnulphus quoque prior *ibidem* legitur post precedentem, *anno* 1326.

In this passage five different presumably contemporary sources are mentioned (and printed here in italics). Of these, three appear only as corroborating evidence :

(1) The *Registrum anni* 1338 in which (*a*) it was found that Balduinus de Bruilina had bequeathed a Bible to the Sorbonne ; from which it was presumed that he died before the year in which the registrum was compiled ; (*b*) Clarinus de Sede loco is mentioned as flourishing at about the same time. This *Registrum*

*anni* 1338 is a revised edition of the earliest catalogue of the Sorbonne library (1279, lost) ; it is extant in the Arsenal library MS. 1223 (formerly H.F. 855) and has been described in detail and edited by L. Delisle.[1] In this catalogue we find the references to Balduinus de Bruilina and Clarinus de Sedeloco :

— " Item Biblia, ex legato Magistri Baldoini de Brinlina (*sic* Delisle, who elsewhere prints Brinliva). Incipit in 2$^0$ fol. *poemata*, in pen. *lomeis*. Precium VIII, l." (Section I : Bibliae, no. 16 ; Delisle III, p. 10.)

— " Item prima pars Thome, ex legato megistri Clarini de Sedeloco, Eduensis dyoecesis. Incipit in 2$^0$ fol. *in tantum*, in pen. *humane nature*. Precium IIII l. cum dimidia." (Section XXIV : Summe questionum, no. 108 ; Delisle III, p. 32.) This MS. is now Lat. 15785 in the Bibl. Nationale.

" Item prima secunde Thome, ex legato ejusdem. Incipit in 2$^0$ fol. *finis*, in pen. *debemus*. Precium IIII l. (*Ibid*., no. 109 ; Delisle, *ibid*.) This is now MS. Lat. 15345 in the B.N.

(2) The *Liber rationum domus*, in which were found one mention of Jacobus Benedictus de Dacia and one of Balduinus de Bruilina, was one of the volumes containing the financial records of the House which are mentioned in a 1716 inventory of the Sorbonne archives, p. 1040 (Archives Nationales MS. MM 279-80). According to Gréard,[2] all the twenty-nine volumes have apparently been destroyed and no document of this nature earlier than 1695 is now extant.

(3) *MS*. 1065 from which supplementary information on Rolle is drawn is the manuscript mentioned under No. 395, " alias 1065," in the seventeenth century catalogue of the Sorbonne (at present MS. Nouv. acq. lat. 100 of the Bibl. Nationale). It is now in the Nationale MS. Lat. 15700 which contains several of Rolle's works. On fol. 40$^v$ is written the following note, in which the very terms of the short note will be recognised :

" Explicit libellus sancti Ricardi heremite de Emendacione peccatoris, qui *obiit anno Domini Millesimo CCC$^{mo}$ XLIX apud sanctimoniales de Hampole juxta Dancastre in Com. Ebor*." [3]

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[1] *Le Cabinet des MSS. de la Bibliothèque Impériale* II, pp. 180, 181, n. 4, 182-4 ; III, p. 9 *sq*. Cf. also A. Franklin, *Les anciennes Bibliothèques de Paris*, I, pp. 228-40 ; *Histoire Littéraire de la France*, XXIV, pp. 315-17.

[2] *Op cit*., p. ix.

[3] This must be ultimately derived from Bale, whose only information on Rolle's life is : " Obiit A.D. 1349 apud moniales de Hampole iuxta Doncaster " (*Index Britanniae Scriptorum* . . ., ed. R. L. Poole and Mary Bateson, Analecta Oxoniensia, 1902).

The old stamp "Bibliothèque de Sorbonne" and the old mark 1065 are still on folios 1 and 173ᵛ.

Of much greater importance are the other two references in the notices, since they represent the primary sources from which several items are derived. They are the *utrumque necrologium* and, above all, the famous *Liber Prioris* which is here quoted no less than nine times and with such precise references that, if it is still extant, there should be no difficulty in identifying it.

Both Miss Allen and Dom Noetinger took it that the *Liber Prioris*—such, at least, as it was when consulted by the compilers—no longer existed. Their opinion was based on a passage from Gréard who, after pointing out the great interest of such a document, added: "There only remain a few scattered deliberations for the thirteenth, fourteenth and fifteenth centuries" and also that: "the first continuous register we possess [B.N. MS. lat. 16070] contains the records of from 3rd October, 1430, to 2nd March, 1484."[1] The "délibérations isolées pour le XIIIᵉ, le XIVᵉ et le XVᵉ siècles," Gréard found in a manuscript described in the 1716 inventory of the Sorbonne library and recognised by him in MS. lat. 16574 of the Bibliothèque Nationale.

Gréard does seem to imply—although he does not say so definitely—that the original *Liber Prioris* referred to by the compilers had been lost and that only scattered fragments, presumably later copies, remained. But, even apart from any evidence to the contrary, there is but little justification for this belief: the scarcity of entries is no proof, since even the 1430-84 register which he calls the first continuous register we possess amounts to only 191 small pages for 54 years, an average of less than four pages per year. It would, therefore, be plausible to conjecture that MS. lat. 16574, as it now stands, is the first and only *Liber Prioris* covering the first century or so of the existence of the Sorbonne. This conjecture becomes a certainty after a close examination of the manuscript:

It is a volume measuring about 20 × 13 cm., and contains—as a note on the fly-leaf dated 31st September, 1861, states—"49 folios, plus the first fly-leaf in parchment, plus folio 33 bis

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[1] *Op. cit.*, p. ix.

[only a strip of parchment containing an obituary notice written lengthwise]; folio 21 is blank [as are also ff. 20$^v$ and 22$^r$, i.e. four pages in all]." The binding is very old and probably original, with traces of two clasps. The oldest handwriting belongs clearly to the end of the thirteenth century or the beginning of the fourteenth; other fragments are in later hands.

The volume consists of two distinct parts:

(1) *A consuetudinary of the House of Sorbonne:* fols. 1-23$^v$. On fols. 1-15 are found a series of items in the same hand, old and neat, which undoubtedly represent the original contents of the first part. They are the so-called Statuts de Sorbonne, though, in reality, only a recording of established customs and decisions made during the first half-century of the history of the House. Robert de Sorbon had probably not foreseen the extraordinary development of his humble foundation for the benefit of poor scholars, and his "statutes" were mainly a ratification of customs which had gradually become regular features in the life of the community. This is made clear by the preamble: "Volo quod consuetudo que ab inicio in hac domo, de bonorum consilio, instituta fuit, omnino servetur. Et si quis usque nunc transgressus fuerit, de cetero transgredi non presumat."

The original items, however, do not fill all the 15 pages, and in the blank spaces between them, additions were made at later dates. They deal with a great variety of matters, such as the scholars' dress, their rule of life, material arrangements for their studies, servants, the janitor's duties, the election and duties of minor procurators, librarians and the safe keeping of books, entrance fees, the purchase of drinking glasses, salt-cellars and spoons or plates for the refectory, etc.[1] Notices of this kind continue as far as fol. 23v. But on fols. 13v and 14 are found two curious lists of accounts headed: "Census qui debentur scolaribus Magistri Roberti" (fol. 13v), amounting to XII lib., IV sol.—"Census quos debemus" (fol. 14). Names of individuals—apparently tradespeople—appear in these lists, sometimes both as debtors and creditors, e.g.: "Garnerus le Frepiers, Robertus le Potiers, Lucia la Chapeliere, Johanna la Crespinniere" in connection with monies owing for the renting or letting of houses in the neighbouring streets; among the creditors are also found the Paris Burgesses to whom four livres 30 deniers are due "pro domibus ante palacium termarum [now the Cluny Museum]," the chaplains of Notre Dame, "pro domo ubi manet Magister Arnulphus de Crespi," etc.

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[1] The last of these items is curious, as giving a glimpse of the homely conditions that prevailed in the Sorbonne at the time: "Anno Domini M$^0$CCC$^0$XXV$^0$, die dominica post Natale Domini, Magistro Astorgio existente priore, unanimiter et concorditer fuit deliberatum in aula Sorbone quod poti et vasa aquatica et saleria essent empta ad sufficientiam, signata signo R, pro comedentibus solum in aula, et de istis vasis clericus predicte Societatis tenebitur reddere compotum quater in anno parvis procuratoribus in compoto sue parve procuracionis.—Item sint scutelle tam magne quam parve signate predicto signo ad sufficientiam prout fuerit expediens pro comedentibus solum in aula, et de istis scutellis coqus reddet compotum modo predicto. Que quidem vasa omnia predicta nullo modo extra aulam vel dispensam mittantur, nec pro sociis,

(2) *A Calendar* containing, besides a few notices of important events in the history of the House—the inception of the Chapel in 1326 and its dedication in 1347, the decision made in 1307 to sing the mass of the Blessed Virgin every Saturday, or a reminder to pray "pro racemis, seu tempore vindemiarum" —a greater number of obituary notices, each of which refers to some benefactor of the House with, in most cases, the amount of the donation. Some interesting items among these are:

21 January: "Obiit dominus Thomas archiepiscopus Eboracensis in Anglia, quondam hospes domus hujus, qui legavit domui C marchas sterlingorum. Anniversarium debetur."

25 May: "Obiit quidam bonus homo cujus nomen ignoramus, qui dedit IV scutos, de quibus fuerunt empti 8 so[lidi] parisienses in redditibus annuis supra domum inter Malletos et Marmousetos. . . ."

30 May: "Anno Domini M$^o$CCC$^o$XLI$^o$ venerunt ad socios domus de Sorbona VIII$^a$ volumina sancti Thome ex legato Sigeri de Cortraco decani ecclesie Marie Cortracensis et quondam socii hujus domus. Et ordinatum fuit per deputatos quod pro anima ejus fieret anniversarium."

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hospitibus aut famulis, nec per socios nec famulos.—Item pro comedentibus in cameris sint tres duodene de magnis scutelis et duo duodene de parvis signate signo C, cum duodecim pintis signatis predicto signo C, de quibus scutellis et potis reddat compotum strator lectorum.—Item portarius habeat unam pintam et duas scutellas magnas signatas signo P, de quibus idem tenebitur reddere compotum.—Si quis autem sociorum fuerit transgressor hujus statuti, tenebitur ad emendam sex denariorum; si vero per defectum alicuius socii deperdicio fuerit, tenebitur ad restitutionem vasis perditi seu vasorum perditorum in equali valore. Si vero defectus acciderit ex parte famulorum, tenebuntur ad integram restitutionem vasorum perditorum" (fols. 9v-10).

> 25 August: "Beati Ludovici regis Francorum solenne festum (Collatio tenetur in aula), sub quo fundata fuit domus de Sorbona, circa annum Domini 1253, a Magistro Roberto de Sorbonio. . . ."
>
> 18 November: "Obitus quartus Illustrissimi principis domini nostri Caroli quinti regis Francorum, de quo habetur in penultimo folio hujus libri. (Pitancia XIII sol. par.: *crossed out.*)"

This second part of MS. 16574 is one of the two obituaries—"utrumque obituarium"—referred to by the compilers of MSS. 1228 and copies. Every reference can be checked up. As for the other obituary, it is to be found in MS. lat. 15615 of the Bibliothèque Nationale, another valuable memorial of the famous House. It is a fine thirteenth-century Missal, profusely illuminated and with musical notation, in an excellent state of preservation, although the edges bear traces of a prolonged usage, tending to show that this was not simply a library treasure, but a mass-book actually used by the poor scholars of Master Robert. Before the Missal itself, on fols. 1-11, is a Calendar which is an exact duplicate of that in MS. 16574: the notices are literally the same, and the writings as varied and, in most cases, identical with those in MS. 16574. Thus, to give only one example, the *Liber Prioris* (MS. 16574) has, under the 16 Kal. Feb., the following item:

> "Illustrissima Princeps Regina francie domina (*Elisabeth*) dedit Collegio Sorbone pecunias ad emendum quinque lib. par. annui redditus; que lib. empte fuerunt in prioratu M. Gerardi de Profontibus. Fiat missa de Spiritu Sancto quamdiu vixerit et, post obitum ejus, pro defunctis. Pitancia $5^{or.}$ lib."

The same notice appears, in the same writing and under the same date in MS. 15615, with the exception that the name of the Queen has not been filled in later. It would seem that the Calendar in MS. 16574 was for the use of the Prior, whereas the other was kept constantly at the disposal of the community.[1]

The Missal is occasionally referred to by the compilers as MS. 749; and in the seventeenth-century catalogue of the Sorbonne library (MS. Nouv. acq. 100), under number "543, alias 749," is the following description which, if need be, would remove all possible doubt as to its identity: " Codex membran. fol. magno 13 saeculi; continet missale as usum ecclesiae parisiensis cum cantu. In calendario sunt obitus sociorum et benefactorum domus Sorbonicae. Dedicatio ecclesiae assignatur."

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[1] There is also a sixteenth-century transcript of the Calendar in the Bibliothèque Mazarine MS. 3323 (previously 576), a former Sorbonne MS., fols. 227-36.

That MS. lat. 16574 is the *Liber Prioris* referred to nine times in the section containing the brief note on Rolle, can be further ascertained, thanks to the dates and detailed references given therein to the *Liber*. The verification also affords an opportunity to see the compilers at work, to compare their version with the actual wording of the source, and therefore to gather sufficient data to base a definite opinion on their method and on the value of their conclusions.

1. In MS. 1228 it is said of *Joannes de Assenede*: " . . . jam inter seniores societatis numerabatur anno 1344. Ex Libro Prioris." In MS. 16574, fol. 6, one finds the following paragraph:

> (*Doctores in theologia ad officium parve procurationis tenentur sicut ceteri.*)
> Anno Domini M°CCC°XLIIII, Magistro Gaufrido Britone latore rotuli existente, fuit mota controversia inter magistros in theologia commorantes in domo de Sorbona ex una parte, et omnes alios socios tunc presentes in altera, super eo quod Magister *Johannes de Assenede*, doctor in theologia tunc presens in domo renuebat officium parve procuracionis exercere, asserens se non teneri ad illud officium faciendum . . . etc."

2. Of *Alanus de Penrith* it is simply said that he was " Lator rotuli, seu Prior, Sorbonae; ex eodem libro fol. 8." In MS. 16574 (fol. 7, not 8), is an item dated 1318 containing the words: " in fine prioratus Magistri *Alani anglici*."

3. Fellow no. 120 in the list is: " *Jacobus Benedictus de Dacia*. Lator rotuli seu Prior Sorbonicus anno 1321 legitur in praedicto libro fol. 9." As a matter of fact, on fol. 9 of MS. lat. 16574 occurs an item entitled (in a different hand), " De bibliothecis, librorum custodia, et pretio a candidatis pro sua in domum admissione persolvendo" and beginning: " Anno Domini 1321, tempore *Jacobi Benedicti de Dacia* tunc latoris rotuli . . . ."

4. Then four names follow in the compilers' notices, which are said to be found in the *Liber Prioris* under the year 1326:

> " *Balduinus de Bruilina* socius nominatur in dicto Libro Prioris circa annum 1326 . . . ."
>
> " *Richardus de Hampolo*, cuius mentio inter socios Sorbonae in Libro Prioris circa annum 1326 . . . ."

> " *Clemens* quidam (cujus cognomen hactenus compertum non habeo) legitur socius inter catuor quorum meminit praedictus Liber Prioris ad annum 1326."
>
> " *Arnulphus* quoque prior ibidem legitur post precedentem, anno 1326."

To these must be added this " Precedentem," viz. :

> " *Astorgius curatus de Aqua bona*, prioris Sorbonici seu, ut leguntur tabulae, latoris rotuli, munere functus est anno 1325 : ex eodem libro fols. 9 et 10."

As we may now expect, these five names are found together in MS. lat. 16574 (fol. 10)—with one other which the compilers omit—in an item under the date 1326 :

> " Anno Domini M⁰CCC⁰XXVI⁰, die lune ante festum Ascencionis Domini, redidit Magister *Astorgius curatus de Aqua Bona* omnia pignora que sibi erant tradita par manus executorum Magistri *Jacobi de Dacia*, socii domus de Sorbona, videlicet quatuor cyphos argenteos, unam bibliam et unum breviarium ; et ipsi executores tenuerunt se pro contentis de omnibus simpliciter, in presencia sociorum qui secuntur, viz. : *Magistri Arnulphi*, prioris pro tempore illo, et Magistri Martini de Petra, et *Magistri Baudoini*, et *Magistri Ricardi*, et *Magistri Clementis*, sociorum domus."

Such, therefore, without any possible doubt, was the ultimate source, the *Liber Prioris*, which the compilers had in hand. As to their use of this source, it will first be noted that in several cases, only the Christian name of the student is given, and the compiler had to turn elsewhere to try and find the surname or any other particulars that could render identification possible. Sometimes his quest proved vain : thus, Arnulphus, prior, is never designated more fully in the MSS. ; sometimes he has even recorded his failure, as in the case of that " Clemens quidam whose surname I have not ascertained so far " ; sometimes, however, he was lucky enough to find, in the *Liber Prioris* itself, either a more complete form of the name—Jacobus de Dacia, so named in fol. 10 becomes Jacobus Benedictus de Dacia on fol. 9—or more information : e.g., Astorgius de Aqua bona is said on fol. $9^v$ to have been prior (under 1325 : " die dominica post natale Domini, Magistro Astorgio existente priore ").

But the compiler's favourite hunting ground seems to have been among the manuscripts of the Sorbonne library, many of which, gifts or legacies from former students, contained the names of the donors or biographical notices of their authors

This is what he did in the case of "Magister Baudoinus," by referring to the item in the *Registrum anni* 1338, as we have seen above (p. 85). It is also what he did in the case of "Alanus anglicus": a MS. of *La Somme le Roi* of Frère Lorens, now MS. fr. 24780 at the Bibl. Nationale, contains a note stating that it was presented to the poor scholars by "Alanus de Penreth, anglicus, socius hujus domus" in order to make good the loss of a similar, though less expensive, treatise which had been bequeathed to them by one Pierre de Limoges, once himself a fellow.[1] And again, it is precisely what he did in the case of Rolle since, as we have already seen, a great part of the short note is borrowed from a note in MS. 1065 (now B.N. lat. 15700) containing several of Rolle's works.

Finally, some of the compiler's conclusions are mere inferences from facts or dates given in the source. Thus, from the fact that Joannes de Assenede is named among the elders of the Society about 1344, he inferred—rather rashly, it seems—that he must be included among the students at the time of Provisor Radulphus. Again, since Balduinus de Bruilina is given as a fellow in 1326, he must have been admitted into the Society a few years previously,[2] i.e. at the time of Radulphus. And since

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[1] The note reads: "Iste liber est pauperum magistrorum de Sorbona, quem dedit eis Alanus de Penreth, Anglicus, socius huius domus, in quo continetur tractatus quidam in gallico de X mandatis, de XII articulis, de VII peccatis, et vocatur in gallico: Li livres roiaux de vices et de vertus. Dedit eis, inquam, pro quodam tractatu consimili, licet non tanti valoris, per defectum ejusdem alienato, pretii XX solidorum, ex legato Magistri Petri de Lemovicis, quondam socii huius domus; et tenebit locum eius in registro. Inter romania, Octavus. Cathenabitur. Precii XL solidorum."

This work was probably one of the four "romances," or French MSS. listed in the 1338 Catalogue of the Sorbonne Library, where it is described as: "Le livre roiaus de vices et virtues; *incipit* ce sont le X comandemens" (Delisle, *Le Cabinet* . . ., III, p. 107; there is a facsimile of this entry in Franklin, *La Sorbonne* . . ., p. 86).

A letter to the Archbishop of Carlisle from the University of Paris on behalf of Alan de Penrhet, dated July, 1309, is quoted in *Letters from Northern registers* (ed. J. Raine, Rolls Series, No. 61), p. 192.

[2] This inference—that no one was admitted as a fellow unless he had been a guest for a number of years—may have been legitimate for the seventeenth century, but not for earlier times: as Gréard points out, "later, one became a fellow after some time spent as guest; but in the beginnings, an interval of a few days was sufficient" (*op. cit.*, p. 31).

" Magister Ricardus " is mentioned under the same date and in the same item as Balduinus, the same inference appeared legitimate in his case too : Ricardus must, therefore, have been a fellow at the time of Radulphus ; and, finally, the latter having held office from 1315 to 1320, it was quite consistent to add to the note on Rolle : " Videtur ad sodalitium admissus ante 1320."

We thus obtain a complete reconstruction of the process by which the particulars of students, and especially of Rolle, were elaborated by the seventeenth century compiler. The last few words in Rolle's notice that remain to be accounted for—" moritur autem eremita cum opinione sanctitatis "—could be derived from any one of the available bibliographies. That the compiler also resorted to these will be clearly seen from the long note, which it now remains to submit to a similar test. The text given here is, of course, that of MS. 1228, and the variants from later copies will be found in the notes.

Ricardus Anglici, seu Radulphi de Anglia (Rollum vocat proprio cognomine Pitsaeus) vulgo [1] dicitur [2] de Hampolo,[3] male a Sixto Sennensi Pampolitanus nuncupatur.[4] Erat Sorbonae 1326.[5] Vir (inquit Sixtus)[6] syncerae pietatis et eruditionis ac,[7] ut cum Pitsaeo loquar, " multiplici doctrina omnique [8] virtutum ornatu instructissimus, qui, postquam annos multos in studiis pietatis et bonarum artium studiose [9] utiliterque collocasset, in saeculo doctoralem dignitatem suo jure suscepit." Vitam tamen eremiticam postea complexus, Hampoli juxta Duncastrum in comitatu Eboracensi Angliae,[10] apud sanctimoniales, mira cum simplicitate, in rigida [11] quadam austeritate, in carnis maceratione, denique in quotidiana rerum divinarum contemplatione, constanter [12] usque ad finem vitae perseveravit, mortem obiit et tandem [13] suscepit sepulturam anno [14] Domini 1349.

" Scripsit (inquit idem Pitsaeus [15]), partim dum commercium habens cum hominibus vixit [16] in saeculo, partim dum in solitudine positus vacavit Deo, multa pulcherrima opera, pluraque [17] solidam doctrinam, omnia pietatem et christianam perfectionem redolentia."

*Then follows the list of over fifty works, many of which are spurious, of course, given by Pits with references to manuscripts in Oxford and Cambridge libraries, ending :* Denique varia ejus opuscula metris anglicis conscripta [18] MS. haberi dicuntur in Academiae [Oxoniensis] [19] Bibliotheca publica.

Vidi ego ex his omnibus tria dumtaxat opuscula inter libros Sorbonae, scilicet : [20] 1° De Emendatione Peccatoris. *Incipit* Hic est libellus. 2° Incendium amoris (*Vocatur supra* Melodia). *Incipit* Admirabar amplius. 3° Tractatum super Lectionibus B. Job : Parce mihi, Domine. Ejus quoque commentarii In Psalmos editi sunt Coloniae 1536.

Caeterum, " hujus authoris scripta omnia, inquit Pitsaeus, sapiunt pietatem et spiritus spirant [21] miram dulcedinem. Sancte mortuus est et honorifice sepultus est [22] in Hampolensi coenobio ipso die, festo Sti Michaelis archangeli, Angelorum societati adjunctus in coelis, qui angelicam vitam egit in terris, anno post apparitionem Filii Dei in carne humana 1349, regnante in Anglia fortunatissimo simul et cordatissimo Rege Eduardo 3°. Porro Richardus post mortem miraculis coruscans, successu temporis in numerum sanctorum confessorum relatus est." Haec Pitsaeus qui de anno ejus obitus convenit cum MS. Sorbonico n. 1065°, in quo idem Richardus obiisse scribitur 1349 apud sanctimoniales de Hampolo, juxta Duncastre, in comitatu Eboracensi.

Vide Sixtum Senensem, Pitsaeum citatum, Epitomen Gessneri ubi notandum est in anno 1430, cujus loco reponendum 1340.[23]

1. Ricardus Radulphi (Rollum . . .) 1020; Richardus Radulphi de Anglia 1021, 1022.
2. dictus 1020, 1021, 1022.
3. de Hampolo in Anglia Eboracensis dioecesis 1020, 1021; Ebroacensis dyoesesis 1022.
4. nuncupatur 1020.
5. Vixit in Sorbona anno 1326: 1020, 1021, 1022.
6. inquit idem S. 1020, 1021, 1022 (Sextus 1022).
7. hac 1022.
8. omniumque 1022.
9. artium strenue utiliterque collocasset 1020, 1021, 1022.
10. Anglia 1020, 1021.
11. regida 1022.
12. constans 1020, 1021, 1022.
13. tandem *om.* 1022.
14. tandem sepultura christiana donatus est anno: 1020, 1021 (de natus est: *sic* 1022).
15. inquit Pitsaeum (*sic*) 1022.
16. egit 1020,1021, 1022.
17. pleraque 1022.
18. anglicis manuscripta 1021.
19. Oxoniensis *om.*, 1228.
20. Vidi ego in Sorbonica ex his . . . 1020; Carolus Musnerus (harum collectionum author: *crossed out*) noster, asserit . . . 1021; Carolus Musnerus noster asserit . . . 1022.
21. spirant *om.*, 1021, 1022.
22. est *om.*, 1021, 1022.
23. Vide praeterea Sixtum Senensem, Pitsaeum, citatum, Epitomen Gesneri, Brandium in Bibliotheca classica de Libris Pontificiorum (*sic*), verbo Psalterium Davidis et alios. Error est auten apud Gesnerum qui refert ad annum 1430, pro quo reponendum est 1340. = 1020.

. . . Notandum (quod: *crossed out*) errorem esse apud Gesnerum (quod: *crossed out*) qui refert . . . pro quo legendum est 1340. = 1021.

. . . Notandum errorem esse . . . pro quo legendum 1340. = 1022.

Although this notice is considerably longer than the other, it contains no new information from original sources. The sentence which has previously drawn the attention of Féret, of Miss Allen and of Dom Noetinger—" Vixit in Sorbona 1326 " or, as MS. 1228 first had it, " Erat Sorbonae 1326 "—is obviously derived from the short note, or directly from the *Liber Prioris*. The note on MS. 1065 is again quoted as corroborating evidence. All the rest—apart from two or three details added by the compiler himself such as the " Vidi ego . . ." already discussed and the mention of the Sorbonne MS. of Rolle's works—is borrowed, as the compiler frankly admits, from " Sixtum Senensem, Pitsaeum, Gessner," etc., i.e. from all the " modern " authorities at his disposal.[1]

His indebtedness to Pits, whose name is given at least six times, could not—and did not—escape Dom Noetinger's notice. But he does not seem to have realised the extent of the borrowing ; which is all the more surprising as he himself quotes Pits at some length.[2] In point of fact, the long notice in MSS. 1228 and others is little else than a wholesale transcription of Pits' notice on Rolle. This fact is significant not only because it does away with the suggestion of authentic sources for the bulk of the long note, but also because it reveals how the compiler found in Pits a confirmation for his surmise that the Magister Ricardus of the *Liber Prioris* was the Richard of Hampole whose works he had found in MS. 1065 of the Sorbonne library. For the date assigned to Rolle's death in this manuscript coincided with the date given by Pits, and printed by him conspicuously in the margin opposite Rolle's name at the beginning of his notice. This the compiler points out, saying : " Thus Pits, who agrees on the date of Rolle's death with MS 1065 of the Sorbonne in which the said Richard is stated to have died in 1349, etc." It left no doubt in his mind as to the correctness of his identification of Master Ricardus with Richard of Hampole, alias Rolle "as Pits rightly calls him."

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[1] All these authors repeat one another. The greater part of the bibliography borrowed from Pits by the compilers is to be found in Bale. But Pits' work (*De illustribus Angliae scriptoribus*, Paris, 1619) was naturally regarded by them as the latest authority. On early bibliographies of Rolle, cf. H. E. Allen, *Writings* . . ., pp. 418-29.

[2] *Le Feu d'Amour* . . ., p. xvi, n. 1.

One more point in the long note calls for comment, viz., the name, or rather the names under which Rolle is here introduced: "Richardus Anglici seu Radulphi de Anglia" (MS. 1228), "Richardus Radulphi" (MS. 1020), "Richardus Radulphi de Anglia" (MSS. 1021 and 1022).

Where the compiler found these names, it is difficult to say, since he gives no references and they are not found in any one of the sources which supplied the rest of his information. But the variety of forms is significant and tends to show that he had no definite evidence for their use in connection with Rolle. This is very likely one case when, as Gréard says, he wrote from memory. Of course, he may well have come across the names Richardus Anglicus, or Anglici, and Richardus Radulphi more than once in mediaeval records and in more recent bibliographies: "Richardus Anglicus" has covered the identity of more than one writer in the thirteenth and fourteenth centuries. One of the best known is the famous physician—possibly Richard of Wendover—whose medical treatises are found in numerous manuscripts in English and French libraries, including the Arsenal MSS. 976, 1024, 1025. But he died in 1252, one year before the presumed date of the foundation of the Sorbonne.[1] Another is the Dominican Richard Fishacre whose *Summa* was in the Sorbonne library. He, too, however, died long before Rolle's time (in 1284).[2] And, owing to the frequent omission of surnames in references to mediæval authors by our documents, many a Richard must have been styled simply English, identification being very difficult, not to say impossible, in the majority of cases.

"Richardus Radulphi" cannot, perhaps, be dismissed so lightly, if only for the fact that Miss Allen compares it, and inclines to identify it, with the " Richardus filius Rodulphi " mentioned in the *Chartularium*[1] of the University, in the entry : " Ricardus filius Rodulphi cum discipulo suo, 15 sol. solv.," suggesting that Rolle may have come—or rather, according to her, returned—to Paris with a protégé, the son of one of his patrons. Such a suggestion, however, bristles with difficulties which Miss Allen, who saw some of them, made valiant but vain efforts to explain away. For one thing, there is no instance of Rolle being called Radulphus, or Radulphi, or filius Radulphi, anywhere. Moreover, it is very difficult to agree with Miss Allen that " Richardus filius Rodulphi " can be " a crude foreign latinisation of Richard, son of Rolle (Raoul)."[2] And, above all there is this very serious difficulty that the entry in the *Chartularium* appears between 15th September, 1329, and 7th March, 1336. True, Miss Allen further remarks—on what grounds, it is difficult to see, for this is an original document, not a seventeenth-century copy or compilation : " but it is not certain that anything positively forbids a date a few years earlier "[3] and accordingly substitutes 1326 for 1329-36 !

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[1] Cf. J. C. Russell, *Dictionary of writers of thirteenth-century England*, 1926, p. 123.

[2] J. C. Russell, *ibid.*, p. 114. In the 1338 Sorbonne catalogue is found the following entry: "41. Opus Richardi de Fizacre, anglici, super primum sententiarum et super duas vel tres distinctiones. Incipit in 2$^{0}$ fol. *credendo*, in pen. *in maiore*. Precium XL sol." This volume is now MS. Lat. 16389 in the Bibl. Nationale.

The difficulty is all the greater if, with Miss Allen, one accepts " *circa* 1300 " as the date of Rolle's birth, and the statement in the *Office* that he was eighteen when he fled from Oxford into the wilderness. Already, in order to fit the alleged stay of Rolle at the Sorbonne in 1320-26 into this chronology, Miss Allen had suggested two different periods of residence in Paris : the first in 1320—when, as she herself admits, he had already donned the hermit's garb ;—the second, presumably to escape from the persecutions of religious rivals or from the sanctions of ecclesiastical authorities—but the present writer has shown[4] that the allegation of an estrangement of Rolle from Church dignitaries was due to a misinterpretation of the texts, and it is equally certain that his differences with monks never reached such a climax as would have rendered necessary or advisable a flight from the country. It is obvious that such an accumulation of unfounded conjectures is not only unscientific but prejudicial to further research. Indeed, if these conjectures were retained, they would play havoc with a vast number of conclusions reached elsewhere by Miss Allen throughout her valuable study of Rolle's manuscripts.

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[1] Ed. H. Denifle and A. Chatelain, 1889-91, II, p. 670.

[2] H. E. Allen, *Writings . . .*, p. 499.

[3] *Ibid.*, p. 498.

[4] E. J. F. Arnould, *Richard Rolle and a Bishop : A Vindication*, Manchester 1937. (A reprint from the *Bulletin of the John Rylands Library*, Vol. 21, No. 1, April, 1937.)

To return to " Richardus Radulphi " and " Richardus filius Rodulphi." Rather than suggest that either, or both, of these names are " crude foreign latinizations of Richard, son of Rolle," it may be observed that both are quite normal forms of the name of the famous Archbishop of Armagh, Richard FitzRalph. In the Exeter register of Bishop Grandisson,[1] FitzRalph is referred to as " Richardus natus Radulphi " (pp. 106, 617), or " Richardus filius Radulphi " (pp. 173, 223, 240, 719). The *Dictionary of National Biography* describes him as " FitzRalph, in latin Richardus filius Radulphi." The shorter form is also found : " Richardus Radulphus " is the author mentioned immediately after " Richardus de Hampol " in the Sorbonne Catalogue of MS. B.N. Nouv. acq. lat. 100 ; in the vernacular " Master Richard Rauf " and " Master Richard Fitz Rauf " occur in two adjoining texts in the Patent Rolls 1345-48.[2] Again, a satirical poem written at Oxford in 1330 addresses him as " Fy-Rauf." [3] In French, Moréri [4] has : " Richard d'Armagh . . . fut aussi appelé Fitz Ralfe, c'est-à-dire Fils de Rodolphe," a curiously literal rendering of " Richardus filius Rodulphi."

Naturally this raises another question : Must Richard FitzRalph, Archbishop of Armagh, be identified with the " Richardus Radulphi " whose name was apparently seen in some document by the compilers of the Arsenal manuscripts ? It is not proposed to answer this question here. For, at the present stage, we could only do so with a good deal of conjecture—a process which, as we have seen, has hitherto done so much to obscure the issue in the question which is our primary concern. But the suggestion is well worth going into: on the one hand, we can be sure that the "Richardus filius Rodulphi, cum discipulo suo" of the *Chartularium* actually was Richard FitzRalph: the latter, then resident in the diocese of Exeter, became tutor to Bishop Grandisson's nephew, John of Northwood and, in 1329, took the young man to Paris, returning to Oxford in 1330; in a letter addressed to some Professor of Paris University, the Bishop recommends both nephew and tutor, referring to FitzRalph in these terms:

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[1] F. C. Hingeston-Randolph, *The Register of John de Grandisson, Bishop of Exeter* (1327-69), London 1895. On FitzRalph, cf. Aubrey Gwynn, S.J., in *Studies*, Sept. 1933 (e.g. p. 399) and subsequent issues.

[2] *Calendar of Patent Rolls, Edward III*, 1345-48, p. 273 ; the documents are dated April 15 and 20, Reading, 1347.

[3] H. E. Salter, *The Stamford schism*, in *English Historical Review*, xxxvii. (1922).

[4] Moréri, *Le Grand Dictionaire Historique*, etc., Paris, 1759, " Richard de Hampolo."

> ". . . Insuper, curatorem suum, Magistrum Ricardum filium Radulphi, virum utique preclare sciencie et conversacionis honeste, Presencium exhibitorem, in sinu Paternitatis vestre vobis placeat acceptare; et eo gracius quo Magister in Artibus et in sacra Pagina egregius Baccalarius inter omnes studentes et legentes Universitatis Oxoniensis eminenter dinoscitur intelligens et subtilis, prout apud vos et scolasticos vestros experiencia declarabit. . . ." [1]

On the other hand, very little is known, as yet, of FitzRalph's University days.[2] That he spent a great deal of time at Oxford is beyond doubt. It is within the realm of possibility that he went to Paris at some date before taking his pupil there in 1329. But it is not at all likely that he resided at the Sorbonne long enough to become a "socius": Bishop Grandisson would not have failed to mention the fact in his letter, as the best of recommendations; and the title of fellow would probably have rendered the letter unnecessary as far as FitzRalph was concerned. The "Master Richardus" mentioned in the *Liber Prioris* under the year 1326 could therefore hardly have been FitzRalph. And with this we must be satisfied at present.

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[1] *The Register of John de Grandisson* . . ., p. 223.

[2] "FitzRalph was made a bachelor of Theology in 1329 and a Doctor of Theology two years later, 1331. Working backwards from these dates, we can conclude that he took his degree as M.A. in 1322, and that he probably came to the University in 1315. . . . So far as we can gather, FitzRalph spent these sixteen years at Oxford with only one interruption" (Aubrey Gwynn, *Studies*, 1933, p. 400).

The myth of Rolle, student of the Sorbonne, being thus exploded, an anomaly is thereby removed which must have perplexed anyone acquainted with the great Yorkshireman. For, not only is there no room among the ascertained facts of his life, for a prolonged residence abroad, but there is also no indication in any one of his writings that he ever was in close contact with French schools of thought or moved in spheres of French influence. Everything, indeed, points to the contrary. Though some of his most characteristic works still remain to be seriously studied,[1] enough is known of the chief sources with which he was familiar to rule out the suggestion of a direct Continental influence. His spirit, and his language too—as Professor R. W. Chambers has shown[2]—are in purely national tradition. And when the pioneer work of C. Horstmann and Miss H. E. Allen has been carefully checked and carried far enough to allow a less conjectural and a thoroughly unprejudiced view of Rolle, it will be seen that few figures in English History and Literature have a stronger claim to a place of honour in the pageant of truly national characters.

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[1] It is hoped that—as previously announced in the pages of the Rylands *Bulletin* (Vol. 21, No. 1, p. 57)—an edition of the *Melos Amoris* will be forthcoming in the near future.

[2] *On the Continuity of English Prose*, in the Introduction to Nicholas Harpsfield's Life of Sir Thomas More, ed. E. V. Hitchcock, 1932 (E.E.T.S. No. 186).

# A NOTE ON THE EARLIEST PRINTED TEXTS OF MALORY'S *MORTE DARTHUR*.

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CAXTON'S edition of Malory's *Morte Darthur* which was 'enprynted and fynysshed' at Westminster in 1485, has survived in two copies only, one of which is in the Pierpont Morgan Library in New York, and the other in the John Rylands Library. In preparing my edition of Malory's text which is due to appear shortly, I have had to collate the two copies and to draw up a list of their variants.[1] The results of this collation will be embodied in my critical apparatus, but one particular aspect of it seems to me to be worthy of a separate note.

Taking the text as a whole, the variants between the two copies are very few and unimportant, but there are four long passages in which conflicting readings occur in practically every line. These are folios 308 recto and verso ; 311 recto and verso ; 380 recto and verso ; and 383 recto and verso. It is important to note that in each case the variants begin with the first line of the folio and end with its last line, and that practically no variants are found in the intervening passages.[2] I venture to think that this was by no means an accident, and that an analysis of this curious phenomenon may give us a glimpse of Caxton's methods of work at the printing press.

It is a well-known fact that in the early days of printing corrections at the printing house were not limited to proofs, and that 'alterations, sometimes of great importance, were made in the formes after printing-off had begun.' [1] In the case of books in which correctness was merely desirable without being essential, we must suppose that 'if the author did not turn up when a sheet was ready for printing, the printer did not wait for him, but proceeded to work it off as passed by his press-reader. If the author came in later and, picking up a sheet fresh from the press, found mistakes in it, the printer seems to have been willing to stop the press and let them be corrected.' [2]

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[1] I am much indebted to my old pupil and friend, Mr. E. S. Murrell, for the invaluable help he gave me in this connection.

[2] There are two variants on f. $312^{v}$ (*best—lest ; brynge—beynge*), one on f. $313^{r}$ (*grete—greto*), and one on f. $325^{r}$ (*sor—for*), while the average number of variants in ff. 308, 311, 330 and 383 is 170 per folio.

Something of this sort seems to have happened when Caxton was printing the *Morte Darthur*, except that the corrections were made not by the author,[3] but by the printer himself. Their occasion must have been some purely technical circumstance which induced the printer to stop the press and correct a few odd pages of his text.

The first striking feature of the eight pages with which we are concerned is their position in the text. They occur in two different gatherings: ff. $308^r$, $308^v$, $311^r$ and $311^v$ belong to sig. N, and ff. $380^r$, $380^v$, $383^r$ and $383^v$, to sig. Y. But what is most significant is that if we number the pages in each gathering from 1 to 16, *the corrected pages will bear in each case the same numbers:* ff. $308^r$ and $380^r$ will be page 5; ff. $308^v$ and $380^v$, page 6; ff. $311^r$ and $383^r$, page 11; and ff. $311^v$ and $383^v$, page 12. Why, in dealing with two different gatherings some 150 pages apart, did Caxton choose for correction pages which occurred in such symmetrical positions? And, further, why should the pages so chosen be the 5th, the 6th, the 11th and the 12th?

We shall attempt to answer these questions by means of a simple experiment. We know that in Caxton's *Morte Darthur* each gathering consisted of two quarto sheets, one of which was inserted within the other ('a quarto in eights'). To get a clear idea of the 'formes' required for the printing of such a gathering, all we have to do is to put together two sheets of paper, fold them into four, number the pages from 1 to 16, and then unfold the sheets. We shall then have two sheets with a set of four numbers on either side of each. One of the sheets will contain numbers 3, 14, 6, and 11 on one side, and numbers 13, 4, 12, and 5 on the other, and the order of numbers on each side will be as follows :

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[1] R. B. MacKerrow, *Introduction to Bibliography*, p. 207.

[2] *Ibid.*, p. 208.

[3] Malory must have died long before the publication of his work, probably in 1471 (see my *Malory*, p. 9).

*Side A.*

| | |
|---|---|
| 3 | 14 |
| 6 | 11 |

*Side B.*

| | |
|---|---|
| 13 | 4 |
| 12 | 5 |

Side *A* would correspond to a printer's inner forme, and Side *B* to the outer forme.[1]

We have it on the authority of William Blades [2] that Caxton's practice in the period to which the *Morte Darthur* belongs was to print on half-sheets of paper, and to treat the quarto sizes ' as folio, *the paper being cut in half before going to press.*' Hence the sheet with which we are concerned must have been cut as follows :

*Side A.*

| | | |
|---|---|---|
| $A^1$ | 3 | 14 |
| $A^2$ | 6 | 11 |

*Side B.*

| | | |
|---|---|---|
| $B^1$ | 13 | 4 |
| $B^2$ | 12 | 5 |

The bottom half of the sheet would now bear numbers 6 and 11 on one side, and numbers 12 and 5 on the other ; in other words, it would contain precisely those pages in which the two extant copies of the text are at variance with each other. The mysterious succession of numbers can thus be satisfactorily explained : as long as Caxton was printing a 'quarto in eights,' and as long as he cut the paper in half before printing, he was bound to have in each gathering a sheet of paper containing these four pages: 6, 11, 12 and 5.

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[1] This would be in keeping with the recognised formula for outer formes in quarto sizes : any page belonging to the outer forme must bear either number 1, or an even number divisible by 4, or an odd number which, when divided by 4, leaves a remainder of 1.

[2] *The Biography and Typography of William Caxton*, pp. 63, 130 and 131.

So much for the seemingly strange combination of revised pages. As regards the technique of the revision itself, it was in all probability dependent on a process whose importance has often been emphasised by critics, namely the process of drying freshly printed sheets. This generally took an appreciable time, and although the length of the process must have varied considerably according to the ink used and the state of the atmosphere,[1] it is fair to assume that the printer had to allow some interval between the printing of two sides of the same sheet. Let us suppose that Caxton began with section $A^1$ (pages 3 and 14). Having printed it off, he had to hang it up to dry and start on say section $A^2$ (pages 6 and 11). As he had some time to spare while the sheets of section $A^1$ were drying, he interrupted the printing of section $A^2$, revised it, and then continued to print it in its revised form. As a result, he produced two versions or 'issues' of pages 6 and 11. When the second issue was ready, he probably realised that the sheets of the first issue, which were printed off *before* the revision, were already dry. He then picked up the 'forme' of section $B^2$ (pages 12 and 5) and printed it on the back of the first (non-revised) issue of $A^2$. But when he came to the end of it he had to stop and wait until the revised sheets of $A^2$ were dry, and this gave him the opportunity of revising section $B^2$ (pages 12 and 5). In this way he produced two issues of pages 12 and 5.[1]

We may add that as the non-revised $A^2$ text only appeared on the back of the non-revised $B^2$ sheets, the two issues of the *Morte Darthur* remained quite distinct and could not be confused with one another in any one copy of the work: each copy came out either with a complete set of revised pages or with a complete set of non-revised ones. That this was actually the case could be further demonstrated by a detailed study of the variants, if such a study did not require too much space. Suffice it to say here that although most of the conflicting readings are mere variants of spelling of a rather erratic kind, the readings in the Rylands copy show certain general characteristics which distinguish it from the Morgan copy. In the Rylands copy preference is given to such forms as *shalle*, *wille*, *alle*, *soo*, and *sir*, while the Morgan copy favours *shal*, *wyl*, *al*, *so*, and *syr*. The fact that these differences are found throughout the four passages suggests that in each copy the pages with which we are concerned belong to the same issue, and confirms our reconstruction of Caxton's method of revision.

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[1] Cf. R. B. MacKerrow, *op. cit.*, p. 210.

Which of the two issues was the original one is difficult to say, as the variants are in most cases inconclusive. A clue may perhaps be found at the beginning of the *Quest of the Holy Grail* where Malory relates the episode of the magic sword which was found in a stone floating on the river. No one could stir it until Galahad came and drew it from the stone. According to the Rylands copy, after Gawain had tried the sword and failed to move it, there were '*moo*' (= more) that 'durste be' so bold as to set their hands to it. The same reading is found in the Winchester MS. of Malory's text: 'Than were there mo that durste be so hardy to sette their hondis thereto.' Since Caxton's edition and the Winchester MS. are two independent versions of a common source [2] we must assume that this was also Malory's reading, however absurd it may be.[3] It seems likely that in revising the passage Caxton noticed the difficulty and inserted a negation, with the result that in the Morgan copy the correct sense was restored: 'were there *no* moo' instead of 'were there moo.' The Rylands copy seems to have preserved in this instance Caxton's text in its original unrevised form.[4]

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[1] The process would be exactly the same if the order of printing was $A^1$ $B^2$ $A^2$ or $B^1$ $B^2$ $A^2$ or $B^1$ $A^2$ $B^2$.

[2] See my article in the *Bulletin of the John Rylands Library*, December, 1934.

[3] The French source of this part of Malory's compilation (MS. Bibl. Nat. fr. 120 f. 120 f. 523$^v$, col. 1) has: 'si n'y a nulz mais nul (*sic*) si hardi qui main ose mettre.' Malory must have mistranslated this.

[4] The following variants point to the same conclusion: *Rylands* assaye to take the suerd & assaye at my comandment; *Morgan* assaye to take the suerd and at my commaundement. *Rylands* this he. *Morgan* this is he.

# ATHENIAN LEGISLATIVE PROCEDURE AND REVISION OF LAWS.

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THE development of Athenian procedure in the making of new laws has formed the subject of a recent article by U. Kahrstedt.[1] His main thesis, that the development of a more complex and on the whole more efficient system led in the fourth century B.C. to a partial abandonment of the democratic principle at Athens, will come as a surprise to many, and suggests the need for further study of this most important aspect of Greek constitutional development. " Wir kennen aus Reden des 4 Jahrh.," says Kahrstedt (*op. cit.*, p. 1), " einen eigentümlichen Modus der Gesetzgebung in Athen, dessen Charakteristikum darin besteht, dass die in griechischen Republiken normale Instanz von der materiellen Schöpfung des Rechts ausgeschlossen ist, die Volksversammlung." The part normally played by the popular assembly in the making of new laws (Nomoi) was taken in fourth-century Athens, according to Kahrstedt's interpretation, by a specially appointed board of Nomothetæ, whose authority was binding upon the whole state.

This interpretation of the functions of the Nomothetæ is regarded by Kahrstedt as an explanation of the Athenian assertion that in the State the Law (Nomos) was the highest authority.

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[1] See Klio, XXXI (1938), p. 1 ff., *Untersuchungen zu athenischen Behörden : II, Die Nomotheten und die Legislative in Athen*. Earlier works on the subject of the Nomothetæ are cited by Busolt, *Griech. Gesch.*, III, i (1897), p. 291, note 1. See further Daremberg-Saglio, *Dict. des antiquités, s.v. Nomoi* (1909), De Sanctis, *Atthis* (1911), pp. 441 ff., and Busolt-Swoboda, *Griech. Staatskunde*, 2 Hälfte (1926), pp. 1011 ff.

The laws by which the sovereign people were ruled could not be altered by the sovereign people.[1] This work was left for the Nomothetæ ; the sovereign people had to content themselves with passing Psephismata, decrees which had the force of law but could not in any way alter the existing law.[2] The study of the Athenian Nomothetæ therefore leads Kahrstedt to a new interpretation of one of the fundamental principles of Aristotle, that in the well-constituted State, Law must be the Sovereign,[3] a principle which (interpreted in a manner fundamentally opposed to that of Kahrstedt) has had the greatest influence on the development of modern political philosophy. Even if it is correct as applied to the actual working of the Athenian constitution, this sophistical interpretation of his own principle would not have satisfied Aristotle himself, who obviously does not connect the absolute authority of Nomos with the inability of the People to alter it.[4] He regards it as the normal arrangement in democratic states that the making of laws should be reserved for the whole body of the citizens,[5] whatever other functions are left for specially appointed magistrates ; and that he regarded the constitution of Athens in the fourth century B.C. as an absolute democracy is evident from his description of it elsewhere as a constitution in which " the Demos has made itself absolute master of everything, and controls the whole government through Psephismata (decrees) and through the law-courts, in both of which spheres the Demos has the power."[1] If, then, the specially appointed Nomothetæ at Athens (of all cities) were actually entrusted with the work of making new laws, a function normally reserved for the Ecclesia even in the moderate oligarchies, it is very strange that Aristotle does not think it necessary even to mention them either in his *Politics*, in the passages where he is discussing such matters, or in his *Constitution of Athens*.

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[1] *Op. cit.*, p. 2 : " man versteht die Behauptung der Athener, dass bei ihnen die *νόμοι* herrschen : sie sind in der Tat der Umgestaltung durch den Souverän entzogen, sind stärker als er." See also Wilamowitz, *Die Herrschaft des Gesetzes* (sc. in Athens), *Philologische Untersuchungen*, I (1880), pp. 46 ff.

[2] On Psephismata in general, and on Kahrstedt's view of them, see below, pp. 135 ff.

[3] Ar., *Pol.*, III, 11, 19 (1282*a*) *ad fin.*, III, 16, 5 (1287*a*) etc.

[4] *Cf. ibid.*, III, 16. 5 : *ἀλλ' ἐπίτηδες παιδεύσας ὁ νόμος ἐφίστησι τὰ λοιπὰ τῇ δικαιοτάτῃ γνώμῃ κρίνειν καὶ διοικεῖν τοὺς ἄρχοντας · ἔτι δ' ἐπανορθοῦσθαι δίδωσιν, ὅτι ἂν δόξῃ πειρωμένοις ἄμεινον εἶναι τῶν κειμένων.*

[5] Cf. *Pol.* IV, 14. 3 ff. (1298*a*), and *ibid.*, 14. 12 : *συμφέρει δὲ δημοκρατίᾳ τε τῇ μάλιστ' εἶναι δοκούσῃ δημοκρατίᾳ νῦν (λέγω δὲ τοιαύτην ἐν ᾗ κύριος ὁ δῆμος καὶ τῶν νόμων ἐστίν) . . . . . ποιεῖν ὅπερ ἐπὶ τῶν δικαστηρίων ἐν ταῖς ὀλιγαρχίαις* (i.e. to provide pay for meetings of the Ecclesia, as was done at Athens in the fourth century B.C.).

Moreover in the common parlance of the fourth century, the Athenian people are still spoken of as the authors of new laws (*ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, νόμον ἐθήκατε καινόν*) as appears from many passages in which the Athenian orators address them to this effect.[2] It therefore seems worth while to consider the whole question of the Nomothetæ afresh, especially since there has been no detailed and documented examination of the subject in English since the English edition of Schoemann[3] and the work of Greenidge,[4] neither of which in any case takes account of the epigraphical evidence.

We may begin with a brief account of the procedure when Nomothetæ were appointed, for which our evidence comes from the orators of the fourth century B.C.[5] At the first meeting of the Ecclesia in the new year, about the end of July, a vote was taken to see whether revision of the laws was desirable (*ἐπιχειροτονία τῶν νόμων*). The Assembly voted separately upon each of four categories of laws, those relating to the Boule, those concerning the State as a whole, those regulating the functions of the nine archons, and those regulating the functions of the various other magistrates.[1] If it was decided that revision of the law was necessary in any or all of these groups, five advocates (Synegoroi) to defend the old laws were elected at the same meeting of the Ecclesia,[2] and the appointment of Nomothetæ, drawn from those who had taken the jurors' oath, was put on the agenda [3] for the third meeting of the Ecclesia in the same Prytany, about three weeks later. The precise definition of the work which they were to undertake, the length of time they were to remain in office, and the source from which their salary was to be derived, were also matters put on the same agenda, and during the interval any Athenian citizen who wished to propose a new law in place of one already existing [4] was required to provide copies of the old and of the new law, which were publicly displayed, in order that the citizens might be guided by the number of the proposed new laws in deciding at the later Ecclesia how long the Nomothetæ should remain in office.

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[1] *Ath. Pol.*, 41. 2. Cf. his criterion of absolute democracy expressed in the foregoing note; also (Dem.) LIX, 88: *ὁ γὰρ δῆμος ὁ Ἀθηναιών κυριώτατος ὢν τῶν ἐν τῇ πόλει ἁπάντων, καὶ ἐξὸν αὐτῷ ποιεῖν ὅτι ἂν βούληται κ.τ.λ.*

[2] Cf. Andoc, *de Myst.*, 85, 86 (referring to the year 403 B.C., but after the restoration of the democracy and the revision of the laws); Æsch., *adv. Timarchum*, § 178; Hyper, *pro Euxenippo*, § 5 ff. Kahrstedt (*op. cit.*, p. 12, note 1) minimises the importance of such instances, and implies that whenever they are precise they apply to the period before 403 B.C., which he regards as a turning-point (see further below, Appendix). He does not, however, mention any of the passages cited above, which all refer to laws passed later than the revision of 403.

[3] Schoemann, *De Comitiis Atheniensium* (1819); English ed., 1838.

[4] Greenidge, *Handbook of Greek Constitutional History* (1902). See also Grote, ed. Mitchell and Caspari (1907), pp. 321 f.

[5] The law on the subject is quoted verbatim in Dem. XXIV (*adv. Timocratem*), 20 ff.; cf. also Dem. XX (*adv. Leptinem*), 93 f., Æsch., III (*adv. Ctesiphontem*), 38 f. The documents cited in the speech *Against Timocrates* are usually regarded as compilations by Alexandrian scholars (cf. Dem. XXIV, ed. Wayte, p. 101), but here the facts are independently established by the comments of the orator, and the genuineness of the section referring to the Nomothesia has been vindicated by Schoell (*Ber. d. bayer. Akad.*, 1886, 83 ff.).

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[1] Dem. XXIV, 20: *πρῶτον μὲν περὶ τῶν βουλευτικῶν, δεύτερον δὲ τῶν κοινῶν, εἶτα οἳ κεῖνται τοῖς ἐννέα ἄρχουσιν, εἶτα τῶν ἄλλων ἀρχῶν.* Kahrstedt (*op. cit.*, p. 11) thinks this classification implies a codification of the laws, but the classification is so general in character that this is not a necessary conclusion; anyone could tell into which category his proposed emendation fell.

[2] *Ibid.*, 23: *αἱρεῖσθαι δὲ καὶ τοὺς συναπολογησομένους τοὺ δῆμον τοῖς νόμοις, οἳ ἂν ἐν τοῖς νομοθέταις λύωνται, πέντε ἄνδρας ἐξ Ἀθηναίων ἁπάντων, τῇ ἑνδεκάτῃ τοῦ Ἑκατομβαιῶνος μηνός.* Daremberg-Saglio, *s.v. Synegoroi* identifies these advocates with the *σύνδικοι* (four in number) mentioned in Dem. XX, 146, 152, 153; but for reasons explained below (p. 116) as well as on account of the discrepancy of number, this identification cannot be accepted.

[3] The Proedroi who should then be in office (cf. below, p. 125, note 2) were bound under heavy penalties to bring these questions before the third Ecclesia (Dem. XXIV, 21 f.); the responsibility for drawing up the agenda for the meeting was laid upon the Prytaneis of the tribe then presiding (Dem., *ibid.*), in accordance with the usual practice (cf. *Ath. Pol.*, 43, 4).

[4] It was, however, the business of the Thesmothetæ to find out each year whether there were any contrary laws in existence upon the same subject, and in such a case the Prytaneis were responsible (cf. foregoing note) for bringing the matter before the Nomothetæ. Cf. Æsch., *adv. Ctes.*, 38: *θεσμοθέταις προστέτακται καθ' ἕκαστον ἐνιαυτὸν διορθοῦν τοὺς ἐν δημοσίῳ νόμους*; and *ibid.*, *τῶν μὲν θεσμοθετῶν ἐξευρόντων, τῶν δὲ πρυτάνεων ἀποδόντων*

Since the speech against Timocrates, which gives our most detailed information on this subject, aims at directing the attention of the court to a wholly irregular appointment of Nomothetæ, arranged by the defendant in order to carry through an illegal law, the orator does not concern himself with the part played by normal Nomothetæ once they were appointed; but on the basis of a document cited in the same speech[1] it is usually supposed that the Nomothetæ were left entirely free, once they were appointed, to decide between the two alternative texts in each case where a revision of the law was proposed, and to make their decision into law.[2]

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*τοῖς νομοθέταις, ἀνῄρητ' ἂν ἅτερος τῶν νόμων.* This passage (supported by the evidence of Theophrastus, cf. Müller, F.H.G., II, p. 115, no. 29) reveals the incompleteness of the same orator's account (*ibid.*, 37 f.) of the Nomothesia, in which he says simply that it was the business of the Nomothetæ *διορθοῦν ἐν τῷ δήμῳ τοὺς νόμους*, including any cases of conflicting laws in force. Since this responsibility fell to the Thesmothetæ, it seems clear that those of the previous year are meant, for newly appointed magistrates (especially when appointed by lot!) could not possibly discover cases of conflicting laws in the short interval between their entering upon office and the third Ecclesia of the first Prytany. It is much more likely that they discovered the existence of conflicting laws in carrying out their magisterial duties in the course of the year, and that it was merely their business to collect such instances and see that they were brought before the next Nomothetæ. For the procedure in such a case see below, pp. 123 ff. The technical nature of inquiry into conflicts in existing law was recognised in the first half of the fourth century by the election of specially appointed experts for the purpose. Cf. Dem., XX, 91 fin: *χειροτονεῖθ' ὑμεῖς τοὺς διαλέξοντας τοὺς ἐναντίους ἐπὶ πάμπολυν ἤδη χρόνον* (Kahrstedt, *op. cit.*, p. 6, note 1, supposes this to refer to the Nomothetæ, but this view involves the assumption that Demosthenes contradicts his own statement made just before). These presumably reported to the Thesmothetæ, who reported to the Ecclesia the version of the law which was recommended by the experts.

[1] See below, p. 113, note 1.

[2] Kahrstedt, *op. cit.*, p. 2: Die Nomotheten entscheiden zwischen den beiden oder mehreren zur Debatte stehenden Texten, und erheben damit den von ihnen gewählten zum geltenden Recht, ohne dass das Volk noch einmal befragt wird. Similarly Greenidge, *op. cit.*, p. 172, speaks of the Nomothetæ as "the final ratifying authority."

Kahrstedt, who stresses this view, cites two Attic inscriptions of the fourth century which seem at first sight to provide absolute proof for it. One of these (I.G. II$^2$, 140) concerns a law of 353 B.C. regulating the dedication of first-fruits at Eleusis; the other (I.G. II$^2$, 244) is the record of legislation about the rebuilding of the fortifications of the ports in 337 B.C. Both inscriptions include the words "Decision of the Nomothetæ" (*δεδόχθαι τοῖς νομοθέταις*) after the preamble giving the name of the proposer and other particulars usual in the headings of decrees. But the conclusion that this formula indicates an independent decision of the Nomothetæ is by no means certain, since there are many examples of Athenian inscriptions to show that the form of these two might have been exactly the same had each recorded a Psephisma of the Ecclesia adopting a previous resolution of the Nomothetæ. This at least is the form in which the Ecclesia frequently adopts the preliminary decisions (*προβουλεύματα*) of the Boule.[1] That I.G. II$^2$, 140, is a similar ratification by the Ecclesia of a decision of the Nomothetæ is suggested by the clause providing for the cost of inscribing the decision out of the special fund set aside for making payments authorised by Psephismata (*ἐκ τῶν εἰς τὰ κατὰ ψηφίσματα*). At all events, the other inscriptions of this period which mention payments out of this fund demonstrably refer to payments authorised by Psephismata either of the Ecclesia or of the Boule.[2]

No definite conclusion can therefore be drawn from these inscriptions whether or not the last word lay with the Nomothetæ, and there is great uncertainty about the genuineness of the supposed law cited in the speech *Against Timocrates* which implies that it was so.[1] Moreover, the supposed law merely says that the proposal selected by the Nomothetæ is to be *κύριος*, and it can be shown that the use of this adjective does not necessarily imply a final decision. Thus, in his speech against the law of Leptines, Demosthenes, addressing the Dicasts in a preliminary trial, says, " If you make this law *κύριος*, you will seem to have removed the privileges " (the law was concerned with the granting of special privileges to benefactors of the State) " from jealousy, not because you have discovered the recipients to be unworthy." [2] If, on the other hand, the Dicasts reject Leptines' law and select that of Demosthenes, the orator points out that his own law must still be brought forward in due form at the next Nomothesia (*ὅταν πρῶτον γένωντα νομοθέται*).[3] When, therefore, the Dicasts made one of the two alternatives *κύριος*, this did not mean that it automatically became law. It still had to be dealt with by the Nomothetæ.

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[1] Cf. e.g. I.G. II$^2$, 103 (369/8 B.C.). The whole document is a Psephisma of the Ecclesia, and is publicly inscribed as such (l. 40), but after the heading with the proposer's name and the date there follow the words *δεδόχθαι τῆι βουλῆι*. Cf. also Dittenberger Syll.$^3$, 207, 263, 288, all conferments of special privileges upon benefactors by the Ecclesia. A parallel from the fifth century B.C. is the decree of the Ecclesia reorganising the tribute (Meritt and West, *The Athenian Assessment of* 425 B.C., Ann Arbour, 1934). Here all the provisions are actually the work of the Boule (cf. *op. cit.*, p. 44, l. 33, *ἐχσενεγκέτω δὲ ταῦτα ἐς τὸν δῆμον ἡ Οἰνηὶς πρυτανεία*: and *ibid.*, p. 46, l. 51, *τὰ μὲν ἄλλα καθάπερ τῆι βουλῆι*) but the whole thing is a Psephisma of the Ecclesia ratifying them.

[2] So I.G. II$^2$, 212, 222, 226; I.G. VII, 4254.

But apart from the vexed question of whether the decision of the Nomothetæ was subject to ratification by the Ecclesia, there are many reasons which make it hard to accept Kahrstedt's view that the Nomothetæ took the place of the Demos in the making of laws (Nomoi) " without limitation " ; [4] as, for instance, the necessity for a preliminary majority vote in the

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[1] The law in Dem., XXIV, 33, contains the clause " *ὁπότερον δ' ἂν* (sc. *τῶν νόμων*) *χειροτονήσωσιν οἱ νομοθέται, τοῦτον κύριον εἶναι.*" The meaning of *κύριον* here is itself uncertain (see further below) ; but the chief doubt arises from the spurious character of most of the documents which appear in the text of this speech (cf. above, p. 109), note 5.

[2] Dem., XX, 139 : *εἰ δὲ . . . τὸν νόμον ποιήσετε κύριον, δόξετε φθονήσαντες, οὐχὶ πονηροὺς λαβόντες ἀφῃρῆσθαι.* Cf. *ibid.*, 143 : *εἰ μὲν ἠγνόησε ταῦτα (ὁ Λεπτίνης) . . . . . αὐτίκα δηλώσει· συγχωρήσεται γὰρ ὑμῖν λῦσαι περὶ ὧν αὐτὸς ἥμαρτεν. εἰ δὲ φανήσεται σπουδάζων καὶ διατεινόμενος κύριον ποιεῖν τὸν νόμον κ.τ.λ.* Cf. also *ibid.*, 11, and Dem. XXIV, 1.

[3] Dem., XX, 136 f. : *κελεύετε τούτους* (i.e. the Dicasts must tell Leptines and his supporters) . . . *εἴ τινα τῶν εὑρημένων τὴν δωρειὰν ἀνάξιον εἶναί φασιν, ἢ μὴ πεποιηκότ' ἐφ' οἷς εὕρετ' ἔχειν, ἢ ἄλλ' ὁτιοῦν ἐγκαλοῦσίν τινα, γράφεσθαι κατὰ τὸν νόμον ὃν νῦν παρεισφέρομεν ἡμεῖς, ἢ θέντων ὑμῶν, ὥσπερ ἐγγυώμεθα καὶ φαμὲν θήσειν, ἢ θέντας αὐτοὺς, ὅταν πρῶτον γένωνται νομοθέται.*

[4] Cf. Kahrstedt, *op. cit.*, p. 2, " Diese Nomotheten vertreten also das Volk bei der Beschaffung des materiellen Rechts ohne Einschränkung."

Ecclesia in favour of revision; the check imposed by the election, several weeks before the Nomothetæ were themselves appointed, of five advocates for the original form of the law;[1] the strict definition by the Ecclesia, if it finally decided to appoint Nomothetæ when the definite proposals for new laws came before it, both of the scope of the Nomothetæ[2] and of the length of time they were to remain in office.[3] The compulsory choosing of the Nomothetæ from among those who had sworn the Heliastic oath[4] imposed a further considerable limitation in the oath itself, its most important provision being

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[1] Since these were elected (Dem., XXIV, 36), whereas nearly all Athenian officials were appointed by lot, it is to be presumed that they were chosen as experts in the law.

[2] According to Kahrstedt, *op. cit.*, p. 2, it was to choose between two already established texts. On this point see further below, pp. 120 ff.

[3] Dem., XXIV, 23.

[4] Cf. Dem., XXIV, 21: *τοὺς δὲ νομοθέτας εἶναι ἐκ τῶν ὀμωμοκότων τὸν ἡλιαστικὸν ὅρκον*. The "Heliastic oath" cited in Dem., XXIV, 149, is usually regarded as a forgery, but there is good authority for the oath *περὶ ὧν νόμοι εἰσί, ψηφιεῖσθαι κατὰ τοὺς νόμους, περὶ δὲ ὧν μὴ εἰσί, γνώμῃ τῇ δικαιοτάτῃ κρίνειν* (cf. Dem., XX, 118, XXIII, 96, XXXIX, 40, LVII, 63; Æsch., *adv. Ctes.*, 31; Arist. *Pol.*, III, 16. 5 *init.*; Pollux, VIII, 122), and the undertaking cited in Dem., XXIV, 149, to vote in accordance with Psephismata as well as laws is supported by Dem., XXIII, 96. There is some doubt whether all the citizens took the Heliastic oath, or only those who applied to serve in the jury courts each year and were included in the lists by the lot. The first view, which is adopted by Kahrstedt (*op. cit.*, p. 3, note 1), receives some support from Harpocration *s.v.*, *Ἀρδηττός: Λυσίας ἐν τῷ πρὸς Ἐλπίνην· τόπος Ἀθήνησιν . . . . . ἐν τούτῳ, φασί, δημοσίᾳ πάντες ὤμνυον Ἀθηναῖοι τὸν ὅρκον τὸν ἡλιαστικόν* (cf. Suidas *s.v.*). Both lexicographers add the information that Theophrastus in his *Laws* (written at the end of the fourth century B.C.) said that the practice of swearing-in the citizens had then been given up. In favour of the view that a special Heliastic oath was taken by those appointed to serve on the Heliæa, it is to be observed that only citizens over thirty years of age who owed no debts to the public treasury, and had not suffered loss of civil rights, were eligible to serve in the Heliæa (*Ath. Pol.*, 63. 3). Lysias cannot, therefore, have been quite accurate in saying that *all* Athenian citizens took the Heliastic oath. On the other hand, it was usual to regard the Heliæa as itself representing the whole citizen body, both on account of the large size of the Heliæa and on account of the binding quality of its decisions (see further below, p. 120). Hence Lysias might well say that "all the Athenians" took the Heliastic oath when he meant in fact the 6000 selected as Dicasts each year. This conclusion is supported by Pollux, VIII, 122, who says that it was the Dicasts who swore the oath at Ardettos (not the whole people).

"to vote in accordance with the laws in matters about which there were laws, otherwise to give the most just decision possible."

But by far the most important limitations upon the Nomothetæ, in a case where a new law was being proposed which conflicted with an existing law, were those which operated before the Nomothetæ came into office at all, and even before the Ecclesia had met, towards the end of the first Prytany, to consider the new laws which were being proposed. The Leptines case reveals an essential feature of the procedure of revising laws at Athens which has not received the attention it deserves, namely the necessity for a preliminary trial (Graphe) between the old law and the proposed new one, before legislation initiated by a private person could come before the Nomothetæ. It has already been pointed out that the trial of Leptines' preceded the appointment of Nomothetæ to consider Demosthenes' new law.[1] That this trial before a section of the Heliæa was an invariable requirement and not a special feature of the Leptines case is proved by the general law to this effect cited by Demosthenes himself.[2] "If anyone believes any of the existing laws to be inexpedient, he is to enter an indictment against it (*γράφεσθαι*), bringing forward another proposed law which he wishes to substitute for it, and the Heliæa [3] is to hear the case and choose the better alternative." Leptines had not carried out this requirement before proposing his own law, and consequently laid himself—or rather his law [4]—open to the Graphe which Demosthenes, proposing an addition to the original law concerning *δωρειαί*, brought against it.

The same conclusion results from a passage in the speech against Timocrates. The orator asks why the law prescribes that no one shall propose a law contrary to an existing law without having the earlier law repealed first,[1] and replies that it was in order to prevent two contrary laws from being in force at the same time, and also because the legislator (supposedly Solon [2]) " wished to make *you* the guardians of the law. For he realised that the other safeguards which he instituted could be rendered useless in many ways. The advocates whom you elect to defend the old law could be bribed to keep silent . . . " [3] and the other precautions could be overcome in various ways. It is clear that " you " here refers to the Heliæa, addressed as ὦ ἄνδρες δικασταί in many passages of the same speech, and in this one spoken of as if they were themselves the sovereign people and elected the five advocates.[4] No one would seriously deny that both the action against Timocrates and that against Leptines were heard before the Heliæa, and in the case of Leptines it is clear that it was not held before the Nomothetæ.[5]

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[1] P. 113.

[2] Dem., XX, 89: *ὁ παλαιός, ὃν οὗτος παρέβη, νόμος οὕτω κελεύει νομοθετεῖν, γράφεσθαι μέν, ἄν τίς τινα τῶν ὑπαρχόντων νόμων μὴ καλῶς ἔχειν ἡγῆται, παρεισφέρειν δ' αὐτὸν ἄλλον, ὃν ἂν τίθῃ λύων ἐκεῖνον, ὑμᾶς δ' ἀκούσαντας ἑλέσθαι τὸν κρείττω.*

[3] *ὑμᾶς* in the text (cf. preceding note) refers to the Heliæa. On this point see further below.

[4] See below, pp. 117-8.

But although both these actions appear to be Graphæ " Against an inexpedient law," [6] there is clearly a difference between them, in that the prosecutors of Leptines are proposing an alternative law, but the prosecutors of Timocrates are not. To this second case Demosthenes appears to furnish a parallel in a passage in which he suggests a way of completely revising the finances and revenue laws of the State. " Set up Nomothetæ. But do not propose before them any new law, for you have plenty; simply repeal all those which at the present time are injurious to you, I mean those concerning the Theoric and Military Funds."[1] He goes on to say that the proposal of new laws can be proceeded with later, when this fatal obstacle of the existing finance laws has been removed.[2] Unless, therefore, the proposal of Demosthenes was as startling from the constitutional as he admits himself that it was from the purely financial point of view, it is reasonable to conclude that the similar case of Timocrates, where again no alternative proposal was under consideration, was held before the Nomothetæ.[3] If this be admitted, it follows that the Nomothetæ were simply a section of the Heliæa appointed for the purpose, whenever the Ecclesia decided at the beginning of the year on a revision of the laws. The conclusion is supported by the way in which the orator addresses the court, usually as *ὦ ἄνδρες δικασταί*, but in one passage as the actual makers of law.[4]

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[1] Dem., XXIV, 34. That the abolition of the old law must *precede* the proposing of the new is clear from *ibid.*, 109 : καὶ τούτους (the old laws) ὅτι πρὶν λῦσαι τόνδε τέθηκεν ἐπίστασθε.

[2] According to the accepted view in Demosthenes' time. The attribution to Solon of laws of later origin is discussed in the Appendix to this article.

[3] Dem., XXIV, 36.

[4] Cf. also *ibid.*, 37 : τίς οὖν μόνη φυλακή, καὶ δικαία καὶ βέβαιος, τῶν νόμων ; ὑμεῖς οἱ πολλοί. This clearly refers to the Heliæa.

[5] Cf. above, p. 113. Moreover Demosthenes (XX, 146) cites four σύνδικοι as advocates for the law of Leptines (here representing the old law), whereas an old law to be considered by the Nomothetæ was supported by five συνήγοροι (Dem., XXIV, 23, 36).

[6] Kahrstedt (*op. cit.*, p. 24) is almost certainly right in maintaining that a Graphe against a Nomos was always a γραφὴ νόμον μὴ ἐπιτήδειον θεῖναι, even if (as in the Timocrates case) it rested on the claim that the law in question conflicted with other laws or had been brought forward in an illegal manner. The nature and application of the Graphe Paranomon is discussed below, pp. 131 f.

If, then, an illegal or inexpedient proposal in some way became law, a case could apparently be brought against it before the Nomothetæ in the ordinary form of a Graphe; and without an alternative law being proposed, the Nomothetæ could condemn the law so attacked. But before any new proposal could in due form become law, it had to be subjected to the initial test in the Heliæa before it reached the Nomothetæ. As to the regulations prescribed for such a Graphe, the proposer of a law could only be attacked in person by it for the period of a year after its first proposal,[5] as happened in the case of Timocrates' illegal law concerning the granting of bail;[1] on the other hand the death penalty was sometimes enforced,[2] and after the lapse of a year it was still possible to bring an indictment against the law itself, as in the action against Leptines,[3] where no penalty against an individual was involved. It may incidentally be observed that this procedure would leave even the most ancient laws open to revision. A necessary preliminary to the bringing of the case was the citation of the accused to appear before the Thesmothetæ,[4] if there was a personal defendant. In any case the Thesmothetæ had to give permission for the charge to be brought and supervised the drafting of the alternative law proposed by the accuser.[5]

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[1] Dem., III, 10 (349/8 B.C.). Kahrstedt (*op. cit.*, p. 4) interprets this passage as evidence for a general financial competence of the Nomothetæ where reorganisation was involved. This, however, is most unlikely. See further below, pp. 123 f.

[2] Dem., III, 11.

[3] The chronological aspect of this conclusion is discussed below, p. 118, note 1.

[4] Dem., XXIV, 123: *οὐδὲ νόμους τοιούτους τίθεσθ' ὅπως ἐξουσία ἔσται ἐξαμαρτεῖν, ἀλλὰ τοὐναντίον, ὅπως μή. οὗτοι δ', ὅπως οἱ τὰ αἴσχιστα καὶ τὰ δεινότατα ποιοῦντες δίκην μὴ δώσουσιν.* The activity of the same court as Nomothetæ is contrasted with that of Timocrates and his friends.

[5] Dem., XX; *Hypoth.*, II, 3: *νόμος γὰρ ἦν τὸν γράψαντα νόμον ἢ ψήφισμα μετ' ἐνιαυτὸν μὴ εἶναι ὑπεύθυνον.* It is not clear from what moment this year was reckoned in the case of a Nomos (cf. Daremberg-Saglio *s.v. Graphe*, p. 1658), but in the case of a Psephisma it probably dated from its first proposal as a Probouleuma in the Boule (cf. Schoemann, *The Assemblies of the Athenians*,

Thus even before the proposal for a new law reached the stage of a Graphe before the Heliæa, it was subjected to careful scrutiny. Moreover it received much publicity; copies of the proposed new law had to be posted in front of the statues of the Eponymi, and sent to the secretary of the Boule,[6] who was

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1838, p. 162). On this analogy it is to be supposed that the proposer of a Nomos was liable to attack for a year after he proposed it in the Ecclesia (see below, p. 119).

[1] Dem., XXIV, 214, etc. If, therefore, Timocrates' case was heard before Nomothetæ (cf. above, p. 117), it must have been brought against him immediately, when the regular Nomothetæ had been appointed at the end of the same Prytany as that which had seen his own appointment of extraordinary Nomothetæ (cf. Dem., XXIV, 27 f.). Since there was apparently a law forbidding the mere abolition of a law (without substitution of a fresh one) except *ἐν νομοθέταις* (cf. Dem., XXIV, 33), Timocrates no doubt counted on the lapse of more than a year, which would have put him out of personal danger.

[2] Dem., XXIV, 138.

[3] Dem., XX, 144.

[4] Cf. in general *Ath. Pol.*, 59, 2, and for a special case (the Leptines trial), Dem., XX, 98, 99.

[5] Cf. Dem., XX, 99: *ἐγὼ δ', ὅτι μὲν τῇ ὑμετέρᾳ ψήφῳ τοῦ τούτου νόμου λυθέντος, τὸν παρεισενεχθέντα κύριον εἶναι σαφῶς ὁ παλαιὸς κελεύει νόμος, καθ' ὃν οἱ θεσμοθέται τοῦτον ὑμῖν παρέγραψαν, ἐάσω.* Similarly in a Graphe Paranomon, the laws which were claimed to be transgressed by the new proposal were cited in the *παραγραφή*, as is shown by Dem., XXIII, 215.

[6] Dem., XX, 94. The publicity given to the proposal for a new law at this stage is not to be confused with the sending of copies of the old as well as the proposed new law to be posted near the statues of the Eponymi during the first Prytany of the year, a few weeks before the appointment of Nomothetæ. At the later stage, just before the Nomothesia, there were no copies of the document sent to the secretary of the Boule, nor were the documents publicly read in the Ecclesia (cf. Dem., XXIV, 23).

required to read it publicly at every meeting of the Ecclesia until the trial came on,[1] in order, says Demosthenes, that each one of the Dicasts who would be called upon to vote in the Graphe would have full knowledge of the material for consideration and plenty of time to consider it. This procedure would also give an opportunity to anyone present in the Ecclesia to declare his intention of entering an indictment [2] against the new law being proposed, on the ground of its illegality or inexpediency, thus automatically preventing the proposal of the new law from being further proceeded with, until after the indictment against it had been brought.

It thus appears that control by the Ecclesia and opportunity for objection by any Athenian citizen began at a very early stage in the history of a project for a new law which altered or conflicted with an old one.

To resume the conclusions already reached: the proposer prepared his law and approached the Thesmothetæ with his proposal. If the Thesmothetæ permitted a Graphe to be brought against an old law or its proposer on this basis, the proposed new law was read several times before the Ecclesia. At one (presumably the last) of these meetings it was voted upon by the Demos and became a Psephisma, as appears from a passage of Demosthenes concerning a new law which he himself had introduced.[3] Then, if no one gave notice of his intention to prosecute the proposer of the new law, he proceeded with his own prosecution of the old law or its proposer in a public trial before the Heliæa. If the Heliæa signified their approval of the proposed new law by condemning the old one, and if at the next vote in the Ecclesia upon the existing laws in general (*ἐπιχειροτονία τῶν νόμων*) it was decided to make any alterations in the section under which the proposed new law fell, expert advocates were elected to defend the cause of the old law. If these failed to convince the Ecclesia that the old law was preferable, the Nomothetæ (consisting simply of a section of the Heliæa) were at last appointed and gave their decision. It is not unlikely, though not certain, that the Ecclesia had to ratify the decision of the Nomothetæ before the project at last became law.

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[1] Deinarchus (*adv. Dem.*, 42) accuses Demosthenes of having taken bribes to make alterations in his proposed law concerning the Trierarchy (for which see following note) at every meeting of the Ecclesia (*μετέγραφε καὶ μετεσκέναζε τὸν νόμον καθ' ἑκάστην ἐκκλησίαν*).

[2] The intention of bringing an indictment was declared in a *ὑπωμοσία*, for which cf. Schoemann, *op. cit.*, p. 157 f. It is defined by Pollux (VIII, 56) as follows: *ὑπωμοσία δέ ἐστιν, ὅταν τις ἢ ψήφισμα ἢ νόμον γράφοντα γράψηται ὡς ἀνεπιτήδειον.* Cf. also *ibid.*, 44: *ὑπομοσάμενος γάρ τις τὸ γραφέν, οὗ ἡ κατηγορία ὑπωμοσία ἐκαλεῖτο, διήλεγχεν ὅτι ἐστὶ παράνομον, ἢ ἄδικον, ἢ ἀσύμφορον.* This implies that the indictment when it came would be either a Graphe Paranomon or the Graphe " Against an inexpedient law." The passing of Demosthenes' law concerning the Trierarchy was temporarily postponed through a Graphe being brought against it following upon a *ὑπωμοσία* (Dem., XVIII, 103).

[3] Cf. Dem., XVIII, 105. Referring to his own law about the Trierarchy (see note above) in his speech *On the Crown*, he asks the clerk of the court to read " the Psephisma on account of which I was indicted under the Graphe." (*καὶ*

It is apparent that the whole cumbrous procedure is not only calculated to prevent the ill-considered introduction of new laws, but is also intensely democratic. The view that in this matter the sovereign Demos delegated its authority to an irresponsible council of Nomothetæ cannot be accepted. It is true that most of the formalities seem to have been introduced merely for the purpose of giving as much publicity and opportunity for objection as possible, but the trial before the Heliæa was of fundamental importance, and the Nomothetæ in fact fade into insignificance before the Dikasterion. The project could not become law without the Nomothetæ, but there is reason for thinking that where a new law was under consideration, so far from debating two alternative propositions they were bound to adopt the proposal already accepted by the court which had heard the Graphe. For the decision of any Athenian court was normally binding upon the whole State, whatever the size of the Dikasterion, the theory being that the verdict of the Dicasts was merely a reaffirmation, in relation to the case at issue, of the existing law.[1] The decision which

*μοι λέγε πρῶτον τὸ ψήφισμα καθ᾽ ὃ εἰσῆλθον τὴν γραφήν*) and the documents relating to the trierarchic law are then cited. The so-called Psephisma included in the text (§ 105) shows however, by its form that it is an interpolation.

[1] Cf. Dem., XXI, 223 f.: *καὶ γὰρ αὐτὸ τοῦτ᾽ εἰ θέλοιτε σκοπεῖν, καὶ ζητεῖν τῷ ποτ᾽ εἰσὶν ὑμῶν οἱ ἀεὶ δικάζοντες ἰσχυροὶ καὶ κύριοι τῶν ἐν τῇ πόλει πάντων, ἐάν τε διακοσίους ἐάν τε χιλίους ἐάν θ᾽ ὁποσουσοῦν ἡ πόλις*

they reached was in theory always the right one, and no subsequent law or decree could override it;[1] nor was any appeal possible from a sentence passed in the Heliæa, except conceivably in the case of a non-Athenian.[2] Moreover, even in a case which, although covered by an existing law, revealed an aspect of it which had not come to light before, the verdict of the Heliæa was still binding upon the whole State, and in this non-technical sense the Dicasts could themselves be regarded as Nomothetæ, as Lysias in one of his speeches points out to them.[3] Their power to create a precedent under these limitations—strict adherence to the existing law in so far as it covered the case at issue[4]—was safeguarded by the form of

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*καθίσῃ . . . . . εὕροιτ' ἄν, οὔτε τῷ τὰ σώματ' ἄριστ' ἔχειν . . . . ἀλλὰ τῷ τοὺς νόμους ἰσχύειν · ἡ δὲ τῶν νόμων ἰσχὺς τίς ἐστιν ; . . . . ὑμεῖς* (sc. *οἱ δικασταί*) *ἐὰν βεβαιῶτ' αὐτοὺς καὶ παρέχητε κυρίους ἀεὶ τῷ δεομένῳ.*

[1] Cf. Dem., XXIV, 75 f. The orator urges that the chief difference between oligarchy and constitutional government is that in an oligarchy anyone in power may cancel past decisions, whereas in a democracy the past decisions of the Dikasteria remain inviolable and new laws are never made to apply retrospectively. Timocrates, however, has introduced into the Athenian democracy the practice of oligarchies, *καὶ περὶ τῶν παρεληλυθότων αὐτὸν κυριώτερον τῶν καταγνόντων δικαστῶν ἠξίωσε ποιῆσαι.* This is one of the chief grounds of attack against his law; cf. *ibid.*, 78: *ἀρ' οὖν τῳ δοκεῖ συμφέρειν τῇ πόλει τοιοῦτος νόμος, ὅς δικαστηρίου γνώσεως αὐτὸς κυριώτερος ἔσται, καὶ τὰς τῶν ὀμωμοκότων γνώμας τοῖς ἀνωμότοις προστάξει λύειν ;*

[2] Cf. Daremberg-Saglio *s.v. Ephesis*, p. 640. The only appeal from the Heliæa, according to Pollux, VIII, 62, was to the *ξενικὸν δικαστήριον.* Nothing further is known of this court at Athens, but its name implies that it concerned only cases where a non-Athenian was involved, and it may refer merely to the summary jurisdiction of the officials of the port mentioned by [Xen.] *De Vect.*, III. 3. Cf. also Arist., *Pol.*, IV, 16. 3, 4 (1300*b*).

[3] Lys., XIV, 4: *εἰκὸς τοίνυν ἐστίν, ὦ ἄνδρες δικασταί, ἐξ οὗ τὴν εἰρήνην ἐποιησάμεθα* (i.e. since the restoration of democracy and the reform of the laws in 403/2 B.C.), *πρῶτον περὶ τούτων νυνὶ δικάζοντας μὴ μόνον δικαστὰς ἀλλὰ καὶ νομοθέτας αὐτοὺς γενέσθαι, εὖ εἰδότας ὅτι ὅπως ἂν ὑμεῖς νυνὶ περὶ αὐτῶν γνῶτε, οὕτω καὶ τὸν ἄλλον χρόνον ἡ πόλις αὐτοῖς χρήσεται.* The same principle is recognised by Aristotle (*Pol.*, III, 16. 10, 1287*b*).

[4] Lysias points out in another speech (XV, 10) that the Dicasts must remember that in fact they are *not* Nomothetæ, and that they must not be tempted by considerations of clemency to deviate from the existing law in any particular case: *καὶ μὲν δή, ὦ ἄνδρες δικαστάι, εἴ τῳ δοκεῖ μεγάλη ἡ ζημία εἶναι καὶ λίαν ἰσχυρὸς ὁ νόμος, μεμνῆσθαι χρὴ ὅτι οὐ νομοθετήσοντες περὶ αὐτῶν ἥκετε, ἀλλὰ κατὰ τοὺς κειμένους νόμους ψηφιούμενοι.*

their oath—which bound them to take " the most just decision possible " where there was no existing law or Psephisma to guide them.[1]

We seem then to be faced with a dilemma. If the Nomothetæ could override a decision of the Heliæa concerning the expediency of introducing a new law[2]—which was precisely a decision of the type considered above—this would be a grave departure from a fundamental principle of the Athenian democracy. If, on the other hand, they could not do this, but could merely accept the decision of the Heliæa, what was the object of appointing Nomothetæ at all ? To the first objection there is no answer ; in answer to the second it may be suggested that there were strong practical reasons in favour of this course and no theoretical reasons against it. In practice, the delay involved in appointing Nomothetæ gave opportunity for still further consideration of, or objection to, a proposed new law, and by others than those who had acted as Dicasts at the Graphe ; it was also in accordance with the traditional Athenian belief in the majesty and inviolability of the laws.[3] With regard to the theory, the validity of the decision as a purely judicial one was in no way affected by the question whether the proposal concerned was or was not later transformed into Nomos. But the only conceivable case in which the Nomothetæ may have had power to reverse the decision of the Heliæa is that of a Graphe brought against an old law, where no personal defendant was involved. Since such a case is parallel to no other among the decisions of the Heliæa, it may perhaps have been differently regarded from the rest.

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[1] See p. 114, note 4.

[2] In the *γραφὴ νόμον μὴ ἐπιτήδειον θεῖναι* the Dicasts had to consider both the law being attacked and the proposed new law under definite heads : (i) its legality (*τὸ νόμιμον*), i.e. whether it accorded with all other laws, as well as whether it had been or was being carried through in due form (cf. Dem., XXIV, 108) ; (2) its expediency for the State (*τὸ συμφέρον, τὸ ἐπιτήδειον*) ; (3) its abstract justice (*τὸ δίκαιον*), which in practice meant very much the same as *τὸ συμφέρον*, as Thrasymachus and his like had long observed (cf. also Arist., *Pol.*, III, 12, 1, 1282*b*). (For these headings cf. Dem., XXIV, 108 f., Pollux, VIII, 56 (cited above, p. 119, note 2), and the Hypotheses to the speeches of Demosthenes against Leptines (II, 7, 8) and Timocrates (I, 4; II, 5, 9). Hypothesis II *adv. Timocr.*, § 9, adds as a fourth heading " practicability " (*τὸ δυνατόν*), which must always have been taken for granted. When the final decision was given in favour of the new law, it is evident that a part of the decision had no basis in *τὸ νόμιμον*, but merely in *τὸ συμφέρον* and *τὸ δίκαιον*, so that here the Dicasts were already Nomothetæ in the non-technical sense suggested by Lysias. Cf. above, p. 121, note 3.

[3] Cf. Dem., XXIV, 212 f.

This conclusion reached above may still seem paradoxical, but it is to be observed that the system did not reduce the Nomothetæ to mere figure-heads. Apart from their function of acting as a court of law in certain Graphæ "Against an inexpedient law,"[1] it would fall to them to make sure that each particular law proposed for ratification had passed through all the preliminary stages, and had already received the approval of the Dicasts in that particular form. But for this important work, all the elaborate precautions of the earlier procedure would be rendered useless.[2] Consequently a certain length of time, varying according to the number of new laws proposed for ratification, was necessary for the Nomothetæ to remain in office, and the Ecclesia prevented dilatoriness (to which the Nomothetæ might otherwise have been tempted in order to earn more pay or for other improper reasons) by prescribing definitely this length of time in advance.

The number of proposed new laws which were brought forward in any one year in accordance with the elaborate procedure which has been discussed cannot have been very large. But it is to be observed that so far we have been concerned only with proposals by private citizens of laws which conflicted with existing laws. This form of legislation has indeed been supposed to have been the only one with which the Nomothetæ were concerned.[3] But this conclusion, based on the orators, fails to take account of several inscriptions which show that additions to existing laws which did not conflict with them also came before the Nomothetæ. Thus, for example, in I.G.

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[1] Cf. above, p. 116.

[2] The passing of the law of Timocrates, who had the audacity to bring about an extraordinary appointment of Nomothetæ for the purpose (cf. Dem., XXIV, 28) was a striking illustration of the consequences of insufficient investigation by the Nomothetæ. Timocrates' proposed law had not in fact gone through any of the earlier stages (*ibid.*).

[3] Cf. De Sanctis, *Atthis*, p. 443.

II$^2$, 222, it is resolved by the Boule, in a Probouleuma later brought before the Demos,[1] that a temporary payment shall be made out of the special fund [2] to a Delian who is to receive Athenian citizenship and a pension, but "the Proedroi and Epistates in office at the time are to propose before the Nomothetæ as an addition to the law that the Apodectæ shall pay over this money each year to the Treasurer of the Demos, and he shall pay it over to Peisitheides in each prytany." [3] Similarly in I.G. II$^2$, 330, which is also a Psephisma of the Demos following upon a Probouleuma,[4] it is provided that money for a complimentary gold crown shall be temporarily lent in advance by the Treasurer of the Demos, but in order that the Treasurer may recover this sum, "the Proedroi . . . are to make a proposal before the Nomothetæ as an addition to the law concerning the payment." [5] Exactly the same provision is again made in a Psephisma of the Demos of 329/8 B.C.[6] concerning the grant of a crown to the organisers of a festival, that the Treasurer is to advance a certain sum and an addition to the law concerning such payments as were authorised by him [7] is to be made, in order that he may recover the amount from this new source. It is clearly wrong to regard these three inscriptions, and in addition I.G. II$^2$, 244, which has already been mentioned,[8] as evidence that the Nomothetæ remained in office throughout the year, and had full responsibility for any alterations which it was proposed to make in the standing payments out of State funds.[1] On the contrary, it was decided in advance, by the Probouleuma and the Psephisma which followed it, precisely what alteration in the existing law was to be made by the Nomothetæ, and the Proedroi and Epistates who should be in office at the time [2] were bound to put this alteration to the Nomothetæ, in one case on pain of a heavy fine.[3] Moreover the Nomothetæ are evidently not already in office at the time when this resolution is passed, but will be in office at some time in the future, namely at the next Nomothesia. So far therefore from proving that the Nomothetæ remained in office throughout the year, these inscriptions prove that they did not do so.

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[1] Cf. l. 24: *τοὺς δὲ πρυτάνεις δοῦναι περὶ αὐτοῦ τὴν ψῆφον τῶι δήμωι εἰς τὴν πρώτην ἐκκλησίαν.* That the Probouleuma is incorporated in a subsequent Psephisma is shown by the appearance (twice under the whole inscription) of the words *ὁ δῆμος* surrounded by a wreath, also by the parallel of other decrees of the Demos conferring honours upon foreign benefactors (cf. I.G., II$^2$, 218, 284, 351).

[2] *ἐκ τῶν εἰς τὰ κατὰ ψηφίσματα.* Cf. above, p. 112.

[3] I.G., II$^2$, 222, l. 41: *ἐν δὲ τοῖς νομοθέται[ς]τ[οὺς προέδ]ρους οἱ ἂν προεδρεύωσιν [καὶ τὸν ἐ]π[ισ]τάτην προσνομοθετῆ[σαι τὸ ἀργ]ύριον τοῦτο μερίζειν τ[οὺς ἀποδ]έκτας τῷ ταμίᾳ τοῦ δήμ[ου εἰς τὸ]ν ἐνιαυτὸν ἕκαστον· ὁ δὲ τ[αμίας ἀπ]οδότω Πεισιθείδει κατὰ [τὴν πρυτ]α[ν]είαν ἑκάστην.*

[4] *Ibid.*, 330, l. 5, 10-15.

[5] *Ibid.*, l. 15 f.: *ὅπως δ' ἂν ὁ ταμίας ἀπολάβῃ τὸ ἀργύριον τὸ εἰρημένον, τοῖς προέδροις οἱ ἂν λάχωσι[ν πρῶτον προεδρεύειν εἰς το]ὺς νομοθέτας προσνομοθετῆ[σαι περὶ τοῦ ἀναλώματος].*

[6] I.G., VII, 4254, l. 9: *ἐκκλησία*: *λ.* 21, *δεδόχθαι τῶι δήμωι.*

[7] It would appear that the province of each several magistracy was defined by a separate law. Cf. above, p. 110.

[8] Cf. above, p. 112.

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[1] Cf. Kahrstedt, *op. cit.*, p. 4 f. There is no evidence from I.G. II$^2$, 244 for the date when the Nomothetæ reached their decision; l. 21 f., which Kahrstedt regards as establishing the fact that it was "gegen Ende des Amtsjahres," merely provides that payments in accordance with the new law concerning the fortifications are to be made in the first, fifth, and ninth prytanies.

[2] These were nine men chosen each day by lot, one from each of the tribes except the presiding one, to bring motions before the Boule and Ecclesia (cf. *Ath. Pol.*, 44, 2 f.). They chose an Epistates from among their own number. Aristotle does not mention them as presiding over the Nomothetæ (to whom indeed he makes no reference at all either in this treatise or in the *Politics*) and it has usually been supposed that the Proedroi and Epistates "of the Nomothetæ" (mentioned in I.G. II$^2$, 222) were a different board from the presidents of the Boule and Ecclesia (cf. Daremberg-Saglio *s.v. Nomoi*, p. 100). Kahrstedt (*op. cit.*, p. 3, note 2) regards them as the same, and this is certainly the obvious interpretation of the decrees considered above. The Proedroi and Epistates οἳ ἂν προεδρεύωσιν, whose business it is ἐν τοῖς νομοθέταις προσνομοθετῆσαι, can scarcely be other than the nine men usually designated by this name, otherwise the decree itself would give rise to confusion; yet in I.G. II$^2$, 222, it is "the Proedroi and Epistates *of the Nomothetæ*" who are to be fined if they do not put the matter to the vote. Evidently then there was only one set of Proedroi and Epistates, and on the days when the Nomothetæ met the Proedroi and Epistates presided over them just as they did over the Boule and Ecclesia. It does not follow that there could not be a meeting of Boule or Ecclesia on the days when the Nomothetæ met, but merely that the meetings could not be held at the same time, unless, as happened occasionally if not always, the Boule as a whole was associated with the Nomothetæ. Cf. Kahrstedt, *op. cit.*, p. 3. Kahrstedt denies that the Boule can *always* have been associated with the Nomothetæ (although this is implied by Dem., XXIV, 26, as well as being stated by Pollux, VIII, 101) on the grounds that in that case it would have been mentioned in the inscriptions concerning Nomothetæ. It is not, however, mentioned in the δόγμα τῶν νομοθετῶν cited in Dem., XXIV, 63, although it is known that the Boule was associated with the Nomothetæ on that occasion (*ibid.*, 27); and if the Boule was *always* associated with the Nomothetæ there was no reason why it should be mentioned in the resulting δόγματα.

[3] Cf. I.G. II$^2$, 222 *ad fin.* (1000 drachmæ each).

They also serve to corroborate the statement of the "Old Oligarch" referring to the fifth century B.C., that one of the functions of the Boule was to consider proposals for new laws —a statement which has hitherto been regarded with suspicion.[1]

Although the inscriptions of this class all happen to be concerned with purely routine additions to the law regulating the expenditure of the Treasurer of the Demos, there is reason to think that not all the matters referred to the Nomothetæ by the Ecclesia in advance, during the course of the previous year, were of this character. It is hard to see how the Thesmothetæ of one year can have carried out their obligation to bring cases of conflicting laws already in force before the Nomothetæ of the next year[2] unless they did this by proposing a Psephisma in the Ecclesia, in the form illustrated by these inscriptions.

But in any case the existence of a second method of bringing up new laws, as revealed by these inscriptions, provided an open door for unscrupulous legislators. It was a very much simpler procedure than the one involving the Graphe against an old law. All that was necessary was a Psephisma in the Ecclesia, following upon a Probouleuma in the Boule, and containing the formula *προσνομοθετῆσαι ἐν τοῖς πρώτοις νομοθέταις*. It is true that the proposer of such a Psephisma risked being attacked in a Graphe Paranomon, a procedure which closely resembled the Graphe "Against an inexpedient law,"[3] and was concerned with the same charges, but could only be brought against a proposal (or, if within a year of its passing, against its author) while it was still a Psephisma.[4] But if he escaped this indictment, which might well happen if his proposal was popular or proposed late in the year, the proposal would go straight to the Nomothetæ already blessed by the Ecclesia. At no stage was any publicity given to the proposal except when it actually came before the Boule and Ecclesia, and the unscrupulous legislator could no doubt contrive to choose meetings when the subject covered by his proposed law would be taken at dawn as soon as the Ecclesia or Boule met, or in the evening when all but his supporters had dispersed.[1] It is true that in theory the simpler procedure existed only for the purpose of making additions to the existing law which were not already covered by the other procedure; the simpler method presumably concerned either wholly new laws dealing with a sphere not covered at all by any existing law—a type which in view of the highly complex state of fourth-century Attic law can scarcely have existed in practice at that period—or additions already covered in intention by an existing law, such as were the proposals made in the inscriptions which provide our chief evidence for this procedure.

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[1] Cf. [Xen.] *Ath. Pol.*: *τὴν δὲ βουλὴν βουλένεσθαι πολλὰ μὲν περὶ τοῦ πολέμου, πολλὰ δὲ περὶ πόρου χρημάτων, πολλὰ δὲ περὶ νόμων θέσεως.* Wilamowitz, *op. cit.* (cf. above, p. 108, note 1) accepts the information as correct, but interprets it to mean that what the Boule deliberated upon was only the application of long-standing Athenian laws to other States within the Athenian empire.

[2] Cf. above, p. 110, note 4.

[3] Cf. above, pp. 116 f.

[4] On the Graphe Paranomon see further below, pp. 131 f. An example is the indictment brought against Demosthenes, mentioned above, p. 119, notes 2, 3.

The removal of existing contradictions in the recognised code was, as we have seen, the responsibility of the board of Thesmothetæ, not of individuals. But although the scope of the simpler procedure of law-making was in theory limited, it was very difficult to define, and herein lay the danger. For example, the inscriptions considered above concern what were clearly regarded as purely routine additions to the law regulating the expenditure of the Public Treasurer; since the Demos had long followed the practice of conferring special privileges on those who had deserved well of the State, it was evident that the extra expenditure entailed must also be regarded as in accordance with the laws. But in fact it is doubtful whether a general law existed empowering the State to grant such *δωρειαί* to its benefactors, since the evidence for it is not quoted in the Leptines case where it would have had great weight.[1] If, then, there could be uncertainty about the legality of what had been the established practice of the Demos for at least three-quarters of a century at the time of Demosthenes' speech, the proposers of new laws, who, according to Demosthenes, were making new proposals almost every month,[2] had plenty of scope for unscrupulous ingenuity. Such a man was Leptines himself, who according to Demosthenes had *not* had copies of his proposed law posted near the Eponymi and sent to the Secretary of the Boule, had *not* had it read in the Ecclesia, had *not* brought a Graphe against the old law, in short had not carried out a single one of the many formalities [3] *necessary for anyone proposing a new law which conflicted with an old law.* Since his law was actually passed,[4] it is evident that what he had done was to adopt the alternative procedure, maintaining that since there was no law in existence regulating the grant of *δωρειαί* by the State, his own could not be in conflict with it, and that consequently he was not obliged to take it through the elaborate procedure of the initial Graphe and the other formalities enumerated by Demosthenes. Moreover he could rest secure in the knowledge that, once his law was passed, having been laid before the Nomothetæ, it would override any Psephismata whatsoever,[5] so that his only danger was in the interval during which his Psephisma remained a Psephisma in conflict with the other innumerable Psephismata which had already granted such privileges to benefactors. During this interval he no doubt thought himself sufficiently covered by the popularity of a proposal which was designed to abolish, at a time of great financial stress, during the Social War, the freedom from liturgies granted to benefactors of Athens. "Expediency" was in fact the argument on which he chiefly relied when Demosthenes subsequently brought an indictment against his law.[1] He realised no doubt that the well-known gullibility of the Ecclesia [2] was never more in evidence than where immediate measures of financial advantage were under consideration.[3]

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[1] For the fixed order of proceedings at the various meetings of the Ecclesia, cf. *Ath. Pol.*, 43, 5, 6. The danger of conducting important business late in the day is illustrated by Dem., LVII, 9, 10, which, however, concerns a meeting in Athens not of the whole Ecclesia, but of the citizens from a single deme.

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[1] Demosthenes quotes instead: (1) a law of Solon concerning freedom of bequest by private individuals; he maintains that grants by the State are analogous (Dem., XX, 102 f.); (2) Psephismata proving that *δωρειαί* were in fact granted by the State as early as the time of the Peloponnesian War (*ibid.*, 115, a decree of Alcibiades granting land in Euboea to one Lysimachus); and (3) a law of uncertain date, but probably passed at the time of the restoration of the democracy in 403/2, forbidding the taking away of *δωρειαί* already granted (*ibid.*, 96. The probable date of this law rests on its resemblance to the second of the laws cited by Andocides, *De Myst.*, 87.)

[2] Dem., XXIV, 142: *οἱ δὲ παρ' ἡμῖν ῥήτορες . . . . ὅσοι μῆνες μικροῦ δέουσι νομοθετεῖν τὰ αὑτοῖς συμφέροντα.*

[3] Dem., XX, 94: *τούτων τόινυν τοσούτων ὄντων δικάιων τὸ πλῆθος, οὑτοσὶ μὲν οὐδ' ὁτιοῦν ἐποίησε Λεπτίνης.*

[4] Cf. above, p. 118.

[5] For the law *ψήφισμα δὲ μηδέν, μήτε βουλῆς μήτε δήμου, νόμον κυριώτερον εἶναι*, see Andoc., *de Myst.*, 87, 89 (referring to 403/2 B.C.), Dem., XXIII, 87; XXIV, 30.

It was presumably by similar arts that the fourth-century Athenian orator Aristophon succeeded in passing numerous new laws and surviving no less than seventy-five unsuccessful indictments under the Graphe Paranomon,[4] retaining popular support and respect to the end of his long career. But in fact it was one of the weaknesses of the Athenian democracy that it had no effective protection against unscrupulous orators, with the result that the courts were not infrequently confronted with conflicting laws even in the time of Demosthenes,[5] with all the other safeguards in full vigour. These protections were fairly efficient when the proposed new law was obviously inexpedient for the State and calculated to serve private ends, as was the law of Timocrates concerning debts to the State.[6] Realising that his proposed law combined all the possible flaws at once,[7]

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[1] Cf. Dem., XX, Hypoth., I, 2: *ὁ μὲν γὰρ Λεπτίνης πλέον ἰσχύει τῷ συμφέροντι, τὴν γὰρ χρείαν προίσχεται.*

[2] Cf. Dem. XX, 3; XXIII, 95 f.

[3] Famous examples are the decision to invade Sicily in 415 B.C., and the decision to abolish pay for office which led to the revolution of the Four Hundred in 411.

[4] According to his own statement, *ap.* Æsch., *adv. Ctes.*, 194. It is true that his public career extended over at least half a century.

[5] Dem., XX, 91.

[6] It proposed that debtors to the State should be enabled to avoid imprisonment for nearly a year after the time allowed for payment by nominating guarantors. Demosthenes (XXIV, 91-94) argues that this would make it possible to avoid paying the Eisphora (a capital levy for war purposes) until the ninth Prytany of the year following the first demand, and was therefore contrary to the naval and military interests of the State.

[7] Cf. above, p. 122, note 2.

Timocrates did not venture even upon our simpler form of procedure, but was reduced to the desperate expedient of arranging for an extraordinary appointment of Nomothetæ. This was a device which can rarely have been tried, otherwise its patently revolutionary character would surely have prevented it from succeeding in this instance. A more constant danger was the orators of the type of Leptines, who were able to conform outwardly to the established laws and constitution, and still to bring about, through the simpler form of procedure, the passing of inexpedient new laws.

This raises the question why the machinery devised to make difficult the introduction of undesirable decrees failed to achieve its purpose. We are told in a speech ascribed to Antiphon that there were several ways of taking proceedings against the proposer of such a decree[1] in the Ecclesia, according to its content and the manner of its proposal. The activity of the Rhetor (in the technical use of this word, as the author of any proposal in the Ecclesia), came under the scope both of the Graphe Paranomon and of the Law of Treason (*εἰσαγγελτικὸς νόμος*), and was further limited by the law which defined the qualifications of the Rhetor himself to address the Assembly. Under Solon's law this last included stipulations as to age and moral character,[2] but even after Solon's laws on the subject were repealed,[3] presumably in 403/2, the Rhetor was still required to own land in Attica and to have children born of a legitimate marriage, conditions which ensured that he should be an Athenian citizen and could be threatened if necessary with loss of civil rights for himself and his descendants,[4] as well as with loss of his property in less serious offences.

The Law of Treason, which was mainly concerned with naval or military commanders accused of negligence leading to the loss of armies or fleets,[1] included also a clause applying the same procedure to Rhetors who took bribes to make an inexpedient proposal to the Demos.[2] None of the delays permitted in other forms of indictment were permissible here, the trial was held in the Ecclesia and the death-penalty was involved. Consequently few persons accused under the Law of Treason stayed to stand their trial, but went into voluntary exile with the least possible delay.[4] The law was already in force early in the fifth century B.C., since Miltiades was tried under it for " deceiving the Demos " in connection with his ill-fated Parian venture of 489 B.C.[5]

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[1] Harp. *s.v.* *ῥητορικὴ γραφή* quotes the author of the speech *κατὰ πρυτάνεως* ascribed to Antiphon as saying *ὅτι κατὰ διαφόρους νόμους αἱ κατὰ ῥητόρων γραφαὶ εἰσάγονται.*

[2] Æsch., *adv. Timarchum*, 13-23.

[3] Cf. Æsch., *adv. Ctes.*, 2. Aeschines declares the present precautions against unscrupulous proposers of Psephimata to be inadequate, and wishes the laws of Solon were still in force.

[4] Cf. the sentence against Antiphon cited in [Plut.], *Vit. Antiph.*, 24.

The Graphe Paranomon,[6] the indictment for proposing a Psephisma [7] contrary to the laws, included illegality of various kinds—illegality in the subject-matter of the proposal,[8] in the technical procedure adopted,[9] and in the qualifications of the proposer, who obviously could be attacked under the Graphe Paranomon because he had no land in Attica or no children. Yet some or even all of these requirements were frequently neglected : Demosthenes proposed Psephismata of various kinds for over thirty years without ever having had children,[10] and many Psephismata proposing new laws were transformed into Nomoi before they were revealed to be illegal ; and this in spite of the fact that the Graphe Paranomon was already in existence in the time of Antiphon,[1] and was probably introduced as early as 461 B.C.,[2] and although it was open to any Athenian citizen whatever to bring an indictment.

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[1] As in the famous trial of the eight generals after Arginusæ (Xen., *Hell.*, I, vii, 3 ff.).

[2] Cf. Hyperides, *Pro Euxenippo*, 1 ff. The relevant clause in the law (*ibid.*, 7) was *ἐάν τις . . . . . ῥήτωρ ὢν μὴ λέγῃ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων χρήματα λαβών.*

[3] Hyperides, *ibid.* [4] *Ibid.* [5] Cf. Herod., VI, 136.

[6] The procedure is mentioned above, p. 118, note 5; p. 119, note 2; p. 126.

[7] Kahrstedt (*op. cit.*, p. 24) rightly points out that illegal laws (Nomoi) did not come under the scope of the Graphe Paranomon, which was limited to the proposers of Psephismata. This contention is supported by the fact that all recorded Graphæ Paranomon are directed against Psephismata (cf. De Sanctis, *Atthis*, p. 439, note 4. It is now clear, however, that the indictment against Timocrates was a Graphe *νόμον μὴ ἐπιτήδειον θεῖναι*, as mentioned above, p. 116, note 6). Conclusive in its favour appears to be Lycurgus, *In Leocr.*, 7 : *ὅταν μὲν γὰρ τὰς τῶν παρανόμων δικάζητε, τοῦτο μόνον ἐπανορθοῦτε καὶ ταύτην τὴν πρᾶξιν κωλύετε, καθ' ὅσον ἂν τὸ ψήφισμα μέλλει βλάπτειν τὴν πόλιν.*

[8] Governed by the law that no Psephisma could override existing Nomoi (cf. above, p. 128, note 5).

[9] E.g. on the grounds that it had not been first proposed in the Boule (cf. *Ath. Pol.*, 45. 4 ; Ps.-Plut., *Vit. Dec. Orat.*, 835 F.).

[10] Dein., *adv. Dem.*, 71.

The explanation seems to be the general reluctance to prosecute, of which we often find indications in the orators,[3] and which is quite understandable in view of the law which required the prosecutor to win at least one-fifth of the votes, on pain of paying a heavy fine and losing the right ever to sue in the courts again.[4]

It was necessary to persuade the court not only of the illegality of the Psephisma in a Graphe Paranomon, but also that the case had not been brought to satisfy a private grudge, or from mere litigiousness, and that the proposal being attacked was against the best interests of the State. We get the impression from the orators that the Dicasts were as a rule more likely to be swayed by the personal aspect, or by considerations of expediency for the State, than by purely legal arguments. We know that in the Graphe Paranomon the aspect of expediency was one of the chief elements in the consideration ; [5] and although it is uncertain whether this was strictly in accordance with the law regulating the Graphe Paranomon or not,[6] it was clearly prudent to permit it, as a further safeguard against legislators who had sufficient ingenuity to make their proposals appear to be in accordance with the laws when they were not.[1]

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[1] Harp., *s.υυ.*, *Ἀλκιβίαδης*, *Ἀποτειχίσαι*, *Δεκατευτάς*, *Κελέοντες*, *Σκαφίον*, *Συνήγοροι* (all words used by Antiphon *ἐν τῇ πρὸς τὴν Δημοσθένους γραφὴν ἀπολογίᾳ*). That Demosthenes' impeachment was a Graphe Paranomon is shown by the reference to the same trial in Ps.-Plut., *Vit. Dec. Orat.*, 833 D. The *terminus ante quem* is fixed by Demosthenes' death in 413 B.C.

[2] See further Appendix, pp. 142 f., 149.

[3] Cf. e.g. Dem., XXIII, *init*.

[4] Reff. in Daremberg-Saglio *s.v. Graphe*, p. 1653, notes 4, 5. The fine was 1000 drachmæ (about £40).

[5] Cf. above, p. 122, note 2, and Dem. XXIII, 2 : *δεῖ δὲ . . . μὴ μόνον τοῖς γεγραμμένοις ἐν τῷ ψηφίσματι ῥήμασιν προσέχειν, ἀλλὰ καὶ τὰ συνβησόμεν' ἐξ αὐτῶν σκοπεῖν.*

[6] Cf. Gilbert, *Handbuch d. Griech. Staatsälterthümer*, English Trans. (Brooks and Nicklin, 1895), p. 299, note 4).

It can easily be seen that few persons would be found willing to indict under the Graphe Paranomon a Psephisma which was popular with the majority, such, for example, as that of Leptines. It would be extremely difficult to convince the court that it was inexpedient for the State, and the accuser would be very lucky if he succeeded in obtaining one-fifth of the votes. The seventy-five acquittals of the popular orator Aristophon under this Graphe [2] illustrate the great difficulty of obtaining a conviction. Thus the measures devised to prevent frivolous prosecutions and prosecutions for unjustified ends hindered the successful working of the elaborate machinery designed to prevent the passing of laws contrary to the existing laws and constitution.

In order that it may be possible to consider the general implications of the whole legislative system from the juristic point of view, it seems desirable at this point to summarise the conclusions which have already been reached as to the way in which it worked.

Hitherto it seems to have been generally supposed that in the fourth century B.C., when we find the system fully developed, Nomoi originated solely with the Nomothetæ, while the People as a whole were limited to the passing of " decrees " (Psephismata). Moreover it has been supposed that the new Nomoi were first proposed, discussed and ratified, all within the limits of the short time during which the Nomothetæ remained in office. It is now seen that these conclusions need to be modified. The Nomothetæ were required, it is true, to ratify every single Nomos which was added to the existing code, but the Demos played a much larger part than has hitherto been recognised. There were two distinct methods of bringing a new Nomos into existence, according to whether it conflicted with an existing law or not. If it did so conflict, the Thesmothetæ had to give permission for the Graphe " Against an inexpedient law " to be brought against the old law, and the popular law-courts decided the issue before it came to the Nomothetæ. If there was no conflict, at least in appearance, with an existing law, the preliminary intervention of the popular law-courts was eliminated, but the popular Assembly (with the help of preliminary deliberation by the Boule) intervened and made the initial decision instead. Only in cases where no new law was being proposed, but where the abolition of certain existing laws was under consideration, do the Nomothetæ appear to have had greater responsibility, acting in this case as a law-court [1] to decide a Graphe "Against an inexpedient law," although they were apparently selected with greater care than Dicasts in an ordinary popular law-court, being chosen out of the number of the Heliastæ, but by the Demesmen in the same way as the Council of Five Hundred.[2]

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[1] Cf. Dem. XXIII, 3: *τοῦθ' ἓν ἐστι τῶν ἀδικημάτων, τὸ τοῦτον τὸν τρόπον καὶ λέγειν καὶ γράφειν ἐνίους, ὃν ἂν ἥκισθ' ὑμεῖς ὑπίδοισθέ τε καὶ φυλάξαισθε.*

[2] Cf. above, p. 129.

The whole system is admirably summed up by Pollux, who says, "There were 1000 Nomothetæ, and they had power to abolish an old law, but not to set up a new one. For the new laws were scrutinised by the Boule, the Ecclesia, and the law-courts." [3] The independent evidence of Pollux would perhaps not be convincing, but it rests upon his own study of the Athenian legal system, and provides a striking confirmation of the conclusions which have been reached independently of him through the evidence of the Athenian orators.

Thus it is clear that both forms of procedure for the passing of new laws were completely democratic in character, and we have seen that the numerous and elaborate precautions to prevent unscrupulous passing of new laws were wholly democratic also; such weaknesses as have been revealed were perhaps inevitable under so completely democratic a form of government.

It remains to consider the general implications of this system from the juristic point of view. What light does it throw upon the Athenian conception of the nature of Law itself? What was the relation of Nomos to the decrees (Psephismata) of the popular Assembly? To what extent was the law in practice modified as a result of decisions in the courts or upon the recommendation of legal experts?[1]

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[1] Cf. above, p. 117.

[2] Cf. De Sanctis, *op. cit.*, p. 442, citing as evidence the Psephisma of 403/2 B.C. quoted by Andoc., *de Myst.*, 83 f. For further discussion of this Psephisma see Appendix, p. 148, note 3.

[3] Pollux, VIII, 101 : *Νομοθέται δ'ἦσαν χίλιοι, οἷς, ἐξῆν λῦσαι νόμον παλαιόν, ἀλλ' οὐ θεῖναι νέον. τοὺς γὰρ νέους ἐδοκίμαζεν ἡ βουλή, καὶ ὁ δῆμος, καὶ τὰ δικαστήρια.*

To this last question, widely accepted opinion among students of Greek law would unhesitatingly answer that no such modifications were possible; that Law (Nomos) was something static and unalterable, so much so that a divorce between theory and practice was inevitable, and in practice the policy of the State was directed through Psephismata which had precisely the same force as law, but admitted of change.[2] But is not this view in fact at variance with the system of Nomothesia, whatever precise interpretation be given of the functions of the Nomothetæ? If Nomos was regarded as fixed and immutable, why provide for the possibility of an annual revision of the laws and creation of new laws? Should we not rather expect the code of Nomoi to remain unchanged from the general codification of 403/2 until the new codification of 304/3 B.C.?[3] And have we not in fact abundant evidence that many new Nomoi were established during this period?

Further, the view that Psephismata dealt with the same kinds of subject as Nomoi, and had exactly the same validity, is untenable. Although Kahrstedt maintains the contrary,[4] there was a perfectly definite difference in the scope, as well as in the origin, of Nomoi and Psephismata after as well as before the codification of 403/2 B.C.; Psephismata were never independent of Nomoi, but related to them as particular cases to general principles. A passage in Demosthenes' speech against Leptines, sometimes misunderstood, makes this perfectly clear. The orator is speaking of the desirability of not changing old laws for new, and says that Solon's regulations (i.e. the more elaborate method involving the initial Graphe) did in fact prevent new laws from being passed for a long time.[5] But when the second and simpler method came in,[1] and influential politicians began proposing laws "at any time they liked and in any chance fashion," [2] the number of contradictory laws in force at the same time became so great that it had long been necessary, at the time when Demosthenes was speaking, to entrust the discovery of the contradictions to experts specially appointed for the purpose,[3] and still the end was not in sight; indeed "the laws (Nomoi), in accordance with which Psephismata ought to be passed, are no better than Psephismata; in fact they are of more recent origin than the Psephismata themselves." [4] It is evident from the context that the orator is here contrasting what ought to be with what is; he does not mean (as Kahrstedt strangely supposes him to mean)[5] that Nomoi in the technical sense of Demosthenes' time (i.e., according to Kahrstedt's interpretation, laws which had either been included in the code in 403/2 B.C., or had originated with the Nomothetæ) [6] were of more recent origin than Psephismata, and that there was no difference,[7] either in fact or in theory, between Nomoi and Psephismata in the matter of scope and validity. What Demosthenes does mean is that in theory Psephismata ought to depend on Nomoi, so that no Psephisma should precede the law (Nomos) on the same subject; but that in practice Nomoi are now being introduced which are dependent on previous Psephismata.

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[1] For the use made of these, cf. above, p. 110, note 4 *ad fin.*

[2] Cf. Glotz, *La cité grecque* (1928), pp. 193 f.

[3] Cf. I.G., II $^2$, 487.

[4] *Op. cit.*, pp. 13 ff.

[5] Dem., XX, 91 f.

This interpretation of the proper relation between Nomos and Psephisma is accepted as a general principle by Aristotle, who frequently insists upon the impossibility of the laws (Nomoi) dealing with anything but general principles.[1] The details of government and administration must be left to human agents,[2] and in a democratic state this work is left to the law-courts and the Ecclesia.[3] But in a State where the laws (Nomoi) have absolute validity, *ipso facto* and of necessity Psephismata have not.[4] If Psephismata have this authority, it is not a constitutional government at all, but government by demagogues.[5] Such is Aristotle's view. That it was also the view held in Athenian law-courts in the fourth century B.C. is shown by the passage of Demosthenes quoted above (p. 135 f.).

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[1] I.e. the one described above, pp. 123 f.

[2] Dem., XX, 91: *ἐπειδὴ δὲ τῶν πολιτευομένων τινὲς δυνηθέντες, ὡς ἐγὼ πυνθάνομαι, κατεσκεύασαν αὑτοῖς ἐξεῖναι νομοθετεῖν ὅταν τις βούληται καὶ ὅν ἂν τύχῃ τρόπον, τοσοῦτοι μὲν ἐναντίοι σφίσιν αὐτοῖς εἰσὶ νόμοι ὥστε χειροτονεῖθ' ὑμεῖς τοὺς διαλέξοντας τοὺς ἐναντίους ἐπὶ πάμπολυν ἤδη χρόνον, καὶ τὸ πρᾶγμ' οὐδὲν μᾶλλον δύναται πέρας ἐχεῖν.*

[3] Cf. foregoing note, and above, p. 110, note 4.

[4] Dem., *ibid.*: *ψηφισμάτων δ' οὐδ' ὁτιοῦν διαφέρουσιν οἱ νόμοι, ἀλλὰ νεώτεροι, καθ' οὓς τὰ ψηφίσματα δεῖ γράφεσθαι, τῶν ψηφισμάτων αὐτῶν ὑμῖν εἰσίν.*

[5] *Op. cit.*, p. 18.

[6] *Ibid.*, p. 16.

[7] *οὐδ' ὁτιοῦν διαφέρουσιν οἱ νομοι.* The Greek is ambiguous; it may mean either "are no different," or "are no better." Busolt (*Griech. Staatskunde* 3, 1, Hälfte, 1920, p. 458) interprets the passage in the same way as Kahrstedt.

The essential difference between Nomos and Psephismata lies, then, not in their authorship—for in the last resort the assembly of the citizens, the Demos, must in a democracy be responsible for both—but in their content. A Nomos propounds the general principle, a Psephisma is a decree in accordance with that principle. The existence of Nomoi and Psephismata concerning the same subject, as, for example, grants of immunity from taxation,[6] is therefore only to be expected and certainly does not mean that Psephismata were on exactly the same footing as Nomoi. Among a series of definitions ascribed to Plato are found two defining Nomos as "A decision of the people not limited to any particular time," and Psephima as "A decision of the People limited in time."[7] These would appear to be correct as far as Athens was concerned in defining both Nomos and Psephisma as "decisions of the People," but the distinction in point of time, though on the whole true, is not invariably true, as Kahrstedt has pointed out.[1] On the other hand, the view expressed above, that Nomoi were concerned with general principles, Psephismata with the application of these principles to particular cases, seems to fit in with the general practice at Athens as well as with the theory. For to refute this view it would not be enough to cite isolated instances where a Nomos seems to be partially concerned with particulars, as for example is the Nomos of 337 B.C. concerning the rebuilding of fortifications.[2] The reason for this being a Nomos rather than a Psephisma is presumably that it involved permanent new arrangements concerning the meetings of the Boule and the provision of funds for permanent upkeep of the fortifications. In practice borderline cases must have arisen, in which it was not easy to keep the general principle quite separate from the immediate application of it, and indeed the passage of Demosthenes cited above (p. 135 f.), which deprecates the failure of fourth-century orators to keep the distinction clear between Nomos and Psephisma, implies that such was the case.

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[1] E.g. Pol., III, 15. 4, "Those who think it best for there to be a king, produce the argument *τὸ καθόλου μόνον οἱ νόμοι λέγειν, ἀλλ᾽ οὐ πρὸς τὰ προσπίπτοντα ἐπιτάττειν*". Cf. *ibid.*, II, 8. 21, 22; III, 11. 19; III, 15. 6, 9; *Nic. Eth.*, V, 10. 4.

[2] *Pol.*, III, 16. 11.

[3] *Ibid.*, 15. 7: *ὅσα δὲ μὴ δυνατὸν τὸν νόμον κρίνειν ἢ ὅλως ἢ εὖ, πότερον ἕνα τὸν ἄριστον δεῖ ἄρχειν ἢ πάντας; καὶ γὰρ νῦν συνιόντες δικάζουσι καὶ βουλεύονται καὶ κρὶνουσι, αὗται δὲ αἱ κρίσεις εἰσὶ πᾶσαι περὶ τῶν καθ᾽ ἕκαστον.*

[4] *Ibid.*, IV, 4. 25, 26.

[5] *Ibid.*

[6] Cf. Dem., XX, 131: *οὐ γὰρ ἐστ᾽ οὐδεὶς ἀτελὴς παρ᾽ ὑμῖν ὅτῳ μὴ ψήφισμα ἢ νόμος ἔδωκε τὴν ἀτέλειαν.*

[7] Ps.-Plato, *ὅροι*, 415 B.

A certain number of Athenian Psephismata of the fifth century B.C. are thought by some authorities to have a universal character which makes them indistinguishable from laws ;[3] but when these are more closely examined, it will be seen that there are no good grounds for confusing them with Nomoi. The following inscriptions are cited :[4] (1) a Psephisma regulating judicial arrangements at Miletus (a vassal State) in 450/49 B.C.[5] ;

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[1] *Op. cit.*, p. 13.

[2] Cf. above, p. 112. This law, besides providing for the immediate repair of the fortifications, also makes provision for their periodical inspection and repair in future years.

[3] Kahrstedt, *op. cit.*, pp. 13 ff. ; Keil, *Griechische Staatsaltertümer* (in Gercke-Norden, *Einleitung in die Altertumswissenschaft*,[2] Bd. III, 1914, pp. 380 f.) ; Busolt, *Griechische Staatskunde*,[3] 1 Hälfte (1920), pp. 457 ff., all take the view that there was no difference whatever in quality or content between Nomoi and Psephismata, either in the fifth century B.C., or in the fourth, supposing the difference to lie entirely in the *form* and manner of publication. It has, however, been pointed out in the text (pp. 135 ff.) that the fourth century evidence shows this conception to be false for that period.

[4] References in Busolt, *op. cit.*, p. 458, note 5 ; Glotz, *La cité grecque*, p. 194.

[5] I.G., $I^2$, 22 (re-edited with additions by J. H. Oliver in *Trans. Amer. Philol. Assoc.*, LXVI, 177 ff.).

(2) another, providing for the building of the temple of Athena Nike, and making arrangements for paying the salary of the priestess ;[1] (3) a decree of 446 B.C. concerning the establishment of Athenian colonists at Brea in Thrace ;[2] (4) a decree regulating relations between Athens and the vassal State of Chalcis after the revolt of 446 B.C.[3] ; (5) a decree of about 418 B.C. making regulations for the collection of first-fruits for the temple at Eleusis in Attica, the contributions to come partly from Attica and partly from the vassal States in the Athenian empire.[4]

It is apparent that several of these Psephismata can be at once dismissed as clearly not laws (Nomoi), since they are concerned not with Athenian citizens only, but with the relations between Athens and other States. A treaty is not a law, as Aristotle emphatically points out,[5] and Nomos in the Greek sense is concerned only with the territory and with the permanent inhabitants[6] of the State which makes it.[7] Other countries may have other conceptions of law (as opposed to administrative provisions), thus for example, Glotz seeks to explain these Athenian Psephismata as " lois-décrets " in the French sense ;[8] but the possibility of this comparison does not make them any more like Nomoi in the Athenian sense. Nos. 2, 3 and 5 in our list, however, concern Athenian citizens, although the decree regulating the sending of first-fruits to Eleusis also concerns the vassal-states. Of these three, the Brea Psephisma cannot be a law, but is merely the application to a particular case of a general law (whether written or customary) regulating the sending-out of colonies. It was far from being the initiation of a new policy in the matter of colonisation. The Psephisma concerning the first-fruits is also merely reaffirming existing custom, for it is several times stated in the course of the decree that these arrangements are "in accordance with the traditional custom" (κατὰ τὰ πάτρια), not only in so far as Athenian citizens are concerned, but in the clauses relating to the vassal-states as well.

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[1] Tod, *Greek Historical Inscriptions*, No. 40 = Ditt., *Syll.*$^3$, 63 = Michel, *Recueil*, 671.

[2] Tod 44 = Ditt., *Syll.*$^3$, 67 = Michel, 72.

[3] Tod 42 = Ditt., *Syll.*$^3$, 64.

[4] Tod 74 = Ditt., *Syll.*$^3$, 83 = Michel, 71.

[5] Arist., *Pol.*, III, 9. 8.

[6] I.e. with citizens and resident aliens (*μέτοικοι*).

[7] Cf. Arist., *Pol.*, II, 6, 7 : *λέγεται δ' ὥς δεῖ τὸν νομοθέτην πρὸς δύο βλέποντα τιθέναι τοὺς νόμους, πρός τε τὴν χώραν καὶ τοὺς ἀνθρώπους.*

[8] Glotz, *La cité grecque*, pp. 194 f.

We are left with the Psephisma relating to the temple of Athena Nike, which concerns only Athens, and appears (though this is not certain) to be setting up a new priesthood. But neither is this a matter for a new law, since the State had set up new priesthoods before, for example when the new Theseum was built about 470 B.C. Again we must suppose the existence of an enabling law, which permitted the Demos to found new priesthoods and laid down in general outline the procedure to be followed. It is by no means necessary to suppose that all such enabling laws were written laws ; indeed the probability is that they were not, but were merely assumed on account of long-established custom.

The Athenian State set itself an impossible task when on the restoration of democracy in 403/2 a law was enacted that there must be no more unwritten laws.[1] This new Nomos may well be the explanation of a tendency observable at Athens in the fourth century to call provisions Nomoi which were much more like Psephismata, and to apply the elaborate system of the Nomothesia to them, in case it should afterwards transpire (as apparently it did in the case of δωρειαί)[2] that there was no written law (Nomos) upon the subject. In the fifth century, when unwritten Nomoi had the same force as the written,[3] we do not find the same nervousness lest Psephismata should not be covered by a Nomos, and the Psephismata of this period which have just been considered make no attempt to appear other than purely administrative provisions.[4] Their importance is undeniable, but does not affect the issue. They are still Psephismata, not Nomoi.

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[1] Andoc., *de Myst.*, 85 f.

[2] Cf. above, pp. 127 f.

[3] Cf. [Lysias], VI, *C. Andoc.*, 10 (citing Pericles).

[4] Cf. E. Meyer, *Gesch. d. Altertums* 2, III (1915), p. 577 (referring to the fifth-century Psephismata said to be in fact laws) : "Das sind alles nicht Gesetze, wie Wilamowitz, *Aristotles*, II, 193, meint, sondern im Auftrage des Volks ausgearbeitete Regulative, die von der Volksversammlung angenommen wurden, wie jedes andere Psephisma." H. Francotte, *Mélanges de droit public grecque* (1910), p. 10, also says : "tous ces documents sont des decrets, et non pas des lois."

Nor again does it make any difference that these particular Psephismata were proposed on recommendations drawn up by a committee of Syngrapheis.[1] These συγγραφεῖς ("drafters") share nothing but the name with the board who were appointed in 412 B.C. (and again in 410) to draw up proposals for new laws. It is obviously possible to employ a committee to draft any kind of proposal whatever, whether it be legislative or administrative. Moreover it is not to be supposed that in the case of the Psephismata passed following on the recommendations of Syngrapheis the normal requirement that the proposal should also come before the Boule was waived.[2] For in most of these inscriptions either the prescript, or incidental allusion later in the inscription, shows that the proposal had come before the Boule in due form,[3] and in the examples which do not reveal this the heading of the inscription has been lost.

Apart from these inscriptions, which clearly do not bear the interpretation which has been put upon them, there is no evidence to show that in the fifth century B.C. any different view was held in Athens as to the relation of Nomos and Psephisma from that which was held in the fourth. When Aristotle says in the *Constitution of Athens* (26. 2), speaking of the years which followed the downfall of the Council of the Areopagus [4] in 461, that there was less regard for the laws in the administration than before, he means simply that several of the earlier laws were changed at this period, and proceeds to enumerate some of the changes. But the fact that changes were made does not, as we have seen, imply any different theory as to the nature of Nomos in general from that which was held in the fourth century. It was in fact not a view peculiar to the fourth-century philosophers, or even peculiar to Athens, but shared by all the constitutionally-governed states of Greece in all periods of antiquity. To what extent other Greek States devised complicated machinery such as that adopted by Athens in order to safeguard their systems of Nomoi from hasty and ill-considered changes, it is impossible to say, but we are told by Demosthenes that many other Greek States in his time had adopted the whole body of Athenian law,[1] and at least one example of this so far as the system of Nomothesia was concerned seems to be revealed by an inscription of the second century B.C. from Cyme in Aeolis,[2] a state which had long been a member of the Athenian Confederacy.

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[1] Cf. B. Keil, *op. cit.*, p. 381: "Das Psephisma über die eleusinischen ἀπαρχαί ist ein Gesetz, weil es in ihm heisst τάδε οἱ ξυγγραφεῖς ξυνέγραψαν." But since it has now been shown that the proper title of the so-called "Milesian Decree" (above p. 138, note 5) is *Μιλησίοις ξυγγραφαί* (cf. J.H.S., LVII, 171), it can no longer be supposed that the deliberations of Syngrapheis necessarily resulted in a Nomos.

[2] Glotz, *op. cit.*, p. 194.

[3] The inscriptions cited above, p. 138, note 5; p. 139, notes 1, 3, 4, all have the prescript ἔδοξε τῆι βουλῆι καὶ τῶι δήμωι; section *b* of Ditt., *Syll.*³, 67 (above, p. 139, note 2) shows that at least part of the decree came before the Boule, and the same is proved for *ibid.*, no. 83 (above, p. 139, note 4), by ll. 60 f. Hence it is clear that the inclusion of the Boule in the prescript is more than mere common form.

[4] On the significance of its overthrow from the point of view of the revision of laws, see further Appendix, p. 149.

## APPENDIX.—THE DATE OF THE INTRODUCTION OF NOMOTHETÆ.

The modern authorities have ascribed the origin of the Nomothetæ to very different periods, agreeing only in rejecting the belief held at Athens in the fourth century B.C., according to which they were introduced by Solon.[3] De Sanctis ascribes them to Cleisthenes' legislation[4] of nearly a century later, shortly before 500 B.C., Grote to 461 B.C.,[5] supposing their functions to have been exercised earlier by the Areopagus, until its overthrow in the revolution of that year. Wilamowitz, Busolt and others, without, however, adducing definite evidence, suppose the Nomothetæ to have become a regular part of the constitution only in the restored democracy after 403 B.C.; Kahrstedt has lately advanced reasons for supposing that they were introduced in the year 403 itself. Before these reasons are considered, it must first be observed that Nomothetæ are mentioned by Thucydides (VIII, 97. 2) as having been set up by the Ecclesia after the fall of the Four Hundred in 411 B.C., in order to bring into existence a new constitution of a moderately oligarchical character. According to De Sanctis, Thucydides mentions the Nomothetæ here as if they were an institution already well known: on the other hand, those who take the view that the Nomothetæ only became an established part of the constitution in or after 403 suppose the Nomothetæ referred to 411 to be a different kind of Nomothetæ, mere drafters of new laws, not a court appointed to ratify them. Earlier than this there is no literary reference to them, but the restoration of their name in the Athenian tribute-assessment of 425 B.C. is on epigraphical grounds practically certain.[1]

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[1] Dem., XXIV, 210.

[2] *Bull. Corr. Hell.*, XII (1888), p. 363. The inscription mentions a *νομοθετικὸν δικαστήριον*.

[3] Dem., XX, 90, 93; Æsch., *adv. Ctes.*, 38. The only modern authority who is inclined to accept this view (with the reservation that the form of the law itself regulating the *ἐπιχειροτονία τῶν νόμων* must have undergone modifications since Solon's time) is Caillemer (in Daremberg-Saglio *s.v. Nomoi*, pp. 100 ff.). See further below, p. 149.

[4] *Atthis*, p. 442.

[5] *Hist. of Greece*, Vol. III, (1851), pp. 166 ff.

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[1] The text as restored by Meritt and West (*op. cit.*, p. 44, l. 16) runs *οἱ δὲ [νομο]θ̣έτα[ι δικαστήριον] νέον κα[θ]ιστάντων χ[ιλίους δικαστάς]*. Since the inscription in question is "one of the most carefully inscribed of all the documents of the fifth century" (*ibid.*, p. 54), and is strictly *στοιχηδόν*, the only conceivable substitute for *νομοθέται* here would be *θεσμοθέται*, written with accidental omission of one of the two similar adjacent letters O⊙. And although it was the business of the Thesmothetæ to enrol the various courts (*καθίζειν, πληροῦν δικαστήρια*) they presumably had no powers to enrol them for a new purpose (viz., to hear appeals from the allies against assessments) as provided for by the terms of this decree. The doubts which Kahrstedt (*op. cit.*, p. 9) expresses about the reading *νομοθέται* are based on non-epigraphical grounds which have already been shown to be untenable; and the instruction to Nomothetæ to form a new court for the hearing of appeals would be in accordance with the normal procedure adopted for routine additions to the existing law (cf. above, pp. 1 ff.). No conflict of laws was involved in this case, since no departure from the normal method of enrolling Dikasteria was contemplated. It is true that in the other similar instances discussed in this article, the instruction to the Nomothetæ was given by the Ecclesia before the Nomothetæ were actually appointed, whereas in this case it was given just after they had come into office, which perhaps implies a slight irregularity of procedure. The precise date of the decree is discussed by Meritt and West (*op. cit.*, pp. 54 ff.), whose conclusion is that the Probouleuma was passed in the second Prytany and the Psephisma itself (after an unexpected delay) at the end of the third. At this time it is reasonable to suppose that the Nomothetæ were still in office.

According to Kahrstedt, it is self-evident that the method of Nomothesia described by Demosthenes could find no place in the fifth century B.C., for the following reasons: (1) Inscriptions like the decree concerning the Eleusinian first-fruits[1] show that the Demos performed in the fifth century the functions which were performed by the Nomothetæ in the fourth.[2] This argument may now be dismissed, for reasons already fully discussed.[3] (2) The annual review of the laws described by Demosthenes presupposes a complete code of laws, which did not exist in the fifth century until 403 B.C.[4] (3) It also presupposes state archives in which the official copies of the laws might be consulted, and the existence of such archives before 403 B.C. is also denied by Kahrstedt.[5] The arguments which lead him to deny that there was either a fixed code of laws or a collection of official copies of laws before 403 B.C. are the following: (*a*) Before the re-publication of the laws in 403/2, it was necessary to appoint Anagrapheis ("copyists") to search out and copy the existing laws.[6] (*b*) Orators speaking before 403/2 always cite as their evidence the actual stone on which a Nomos or a Psephisma was engraved, never a written copy in the public archives; but after 403/2 they always cite the written copy, and although copies on stone are still made, they are no longer the official ones. (*c*) There is no evidence for the Graphe Paranomon in the fourth-century sense,[7] or of the Graphe

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[1] Cf. above, p. 139.

[2] Kahrstedt, *op. cit.*, p. 9.

[3] Cf. above, pp. 139 ff. Kahrstedt (*op. cit.*, pp. 17 ff.) also lays stress on the supposed fact that resolutions passed in the fifth century are referred to indiscriminately as Psephismata or as Nomoi, and that this confusion never occurs in the fourth century. But an instance of this confusion occurs in relation to a fourth-century law (cf. Isæus, ed. Wyse, 1904, pp. 714 f.) and in any case it has now been shown (above, pp. 119, 123 ff.) that every Nomos had to be preceded by a Psephisma, which explains the confusion.

[4] Kahrstedt, *op. cit.*, p. 11.

[5] *Ibid.*, pp. 8, 25 ff.

[6] For the Anagrapheis see I.G., I $^2$, 115 (409/8 B.C.), Lysias, XXX, 2 ff. Kahrstedt (*op. cit.*, p. 10) supposes the first set of Nomothetæ mentioned in the Psephisma cited by Andoc., *de Myst.*, 83 ff., to be Anagrapheis, but this merely confuses the issue. The business of the Anagrapheis was simply to inscribe the laws from the copies indicated to them (Lysias, XXX, 4); they must be carefully distinguished from the Syngrapheis of the same period, whose function was to draft proposals for new laws (cf. e.g. Xen., *Hell.*, II, iii, 11).

[7] Cf. above, pp. 131 ff.

"Against an inexpedient law,"[1] earlier than 403/2 B.C. When the Graphe Paranomon is referred to as existing earlier than this year, it is to be interpreted as a charge against a magistrate for not discharging his duties in accordance with the laws (*νόμοις μὴ χρῆσθαι*).[2]

To meet the last argument first, it may justly be asked whether an indictment *νόμοις μὴ χρῆσθαι* does not imply a fixed code of laws just as much as the Graphe Paranomon in its accepted sense. But in fact the references to the Graphe Paranomon in the fifth century cannot be explained in Kahrstedt's sense. There is no evidence to show that the Graphe Paranomon in which Antiphon was involved had to do with the official acts of a magistrate, since it was not brought by Antiphon against Demosthenes in his official capacity as Strategos (as Kahrstedt wrongly supposes)[3] but by the Strategos against the orator.[4] The attempt to explain away the Graphe Paranomon threatened against the proposer of a decree to decide the fate of all the eight generals concerned by a single vote after Arginusæ (406 B.C.) is also misguided; the reason why Xenophon's account makes no further reference, in describing the subsequent discussion, to the proposer of this decree, is not that proposers of decrees did not come under the Graphe Paranomon at this time (as Kahrstedt supposes), but that the ensuing uproar in the Ecclesia resulted in the threat of a Graphe Paranomon being dropped.[5] Finally, it is clearly stated in the texts[6] that the ban on the use of the Graphe Paranomon in 411, on the eve of the revolution of the Four Hundred, was intended to allow any proposals whatever, without reference to the existing laws, to be made in the Ecclesia. This surely proves that the Graphe Paranomon in its fourth-century meaning was already in existence in 411 B.C.

With regard to the argument concerning the archives, inscriptions and references in the orators establish the following facts, fatal to Kahrstedt's theory. (1) The actual inscription of the relevant law or decree on stone or wood is still quoted as evidence after 403 B.C.[1] (2) As before 403, so after that date, the official evidence for a decree can be destroyed by destroying the stele on which it was inscribed, and restored by having it officially inscribed afresh.[2] (3) A reference in Andocides, referring to 411 B.C. and written in that year, shows that before 402/3 a Psephisma could be repealed (in this instance a grant of amnesty) and the copy of it could remain in the Bouleuterion (Council-House) after the repeal of the Psephisma.[3]

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[1] Cf. above, p.116.
[2] Kahrstedt, *op. cit.*, p. 22.
[3] *Ibid.*
[4] References above, p. 132, note 1.
[5] Cf. Xen., *Hell.*, I, vii, 12 ff.
[6] Thuc., VIII, 67. 2, *Ath. Pol.*, 29. 4.

The obvious inference from these facts is that both in the fifth century and in the fourth the official copy of a Nomos, or of any Psephisma which was likely to be needed for future reference,[4] was the one inscribed by order of the Ecclesia. Written copies were also kept by the Secretary of the Boule ; before the Metroon was rebuilt and used for this purpose, at the end of the fifth century B.C., these were kept in the Bouleuterion.[5] These written copies from Bouleuterion or Metroon are not infrequently cited as evidence by the orators,[6] but this was only natural seeing that the original inscriptions on stone would have been no more convenient to bring into court than the original metal bars and weights which form the official English standards of weights and measures. In practice it could usually be assumed that the written copy was an accurate transcription of the inscribed one, but when a clerk was suspected of producing copies to suit his own ends, as happened between 411 and 403 B.C.[1] the decisive evidence was the inscribed law or Psephisma.

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[1] Cf. Lysias, XXX, 17 ff. (399/8 B.C.), citing as evidence for the laws concerning sacrifices the *κύρβεις* of Solon and the *στῆλαι*, both of which the Ecclesia had decided to adopt as the official evidence in 403/2 ; also Andoc., *de Myst.*, 95 (400 B.C.), quoting a Nomos *ὃς ἐν τῇ στήλῃ ἔμπροσθέν ἐστι τοῦ βουλευτηρίου* ; also Ditt., *Syll.*$^3$, 129, ll. 20-25 (after 394 B.C.), *ibid.*, no. 147, ll. 30-35 (378/7 B.C.).

[2] Ditt., *Syll.*$^3$, 184, ll. 35-40 (official destruction in 361/0 B.C. of a stele recording an alliance with Alexander of Pheræ in 368) ; *ibid.*, no. 119, ll. 10-15 (restoration soon after 403/2 of a stele, recording a grant of the position of Proxenos to a Thasian, which had been destroyed by order of the Thirty) ; *ibid.*, no. 317, ll. 25-35 (restoration in 318/17 B.C. of a stele which had been destroyed by order of the oligarchs who had been in power three years earlier. Cf. *Cambridge Ancient History*, Vol. VI, pp. 459 ff.)

[3] Cf. Andoc., II (*De reditu*), 23 ff. The orator asks for the copy from the Bouleuterion to be read in the court, but clearly states that the Psephisma itself had been repealed.

[4] As Kahrstedt points out (*op. cit.*, p. 28, note 3), it is unlikely that all the Psephismata passed in the forty meetings of the Ecclesia held each year were inscribed on stone. Presumably those which were of purely temporary significance—and these would be the vast majority—were not so inscribed. This hypothesis would explain the more general import of the Psephismata which have been preserved on stone.

[5] As maintained by the American excavators of the Metroon. Cf. Thompson, *Hesperia* (*Amer. School Arch. Athens*), Vol. IV, p. 215, note 7. The Metroon seems, however, already to have been in use for this purpose before the loss of the Empire (cf. Athen., IX, 407 C.).

[6] Cf. Kahrstedt, *op. cit.*, p. 26.

As to the business of Anagrapheis, it was not to engage in private researches upon the existing laws, or to look for evidence for them, but simply to inscribe afresh laws and Psephismata for which the official evidence, inscribed copies, was in danger of becoming illegible. This was no doubt the condition in 411 B.C. of the inscribed wooden κύρβεις and ἄξονες on which the laws of Dracon and Solon were written. The inscriptions in question were naturally kept in different places, according to the nature of their contents, but it was well known where they were, and the Anagrapheis were told exactly which to copy.[2] Consequently the appointment of Anagrapheis in the period between the revolutions of the Four Hundred and the Thirty does not mean that there was no fixed code of laws before 403 B.C. In fact we are distinctly told by Andocides, citing the relevant Psephismata, that when the Nomoi in force under the earlier democracy were re-affirmed in 403 B.C., all except the laws of Dracon and Solon (which had already been reinscribed, where necessary, some years previously)[3] were inscribed on the walls of the Stoa Basileia, *where they had been inscribed before*,[4] and from which they had presumably been erased by order of the Thirty.[5]

It may therefore be concluded that the year 403/2 marks no important change in the policy with regard to the archives; and it may justly be asked whether it marks any conspicuous change in laws or constitution, as compared with the period before the revolution of 411, or between 411 and the revolution of the Thirty. As evidence against this belief may be cited the peace-terms imposed by Sparta in 404, which included insistence on government according to "the traditional constitution"; [1] and the policy adopted after the revolutionary interlude under the Thirty, when the restored democracy aimed at and effected a return to the ancient and traditional laws and constitution.[2] The year 403/2 B.C. is therefore a most unlikely time to have chosen for a complete change in the method of law-making itself. Further, the method, described in the Psephisma cited by Andocides, which was adopted when the ancient laws were reaffirmed on this occasion,[3] is distinguishable in no material respect from the method described earlier,[4] which was employed in the fourth century in cases where there were no laws to be repealed. There is no reason for supposing that it marks the first occasion when the Nomothetæ were employed; [5] consequently there is no need to explain away the reference to Nomothetæ in 411 B.C., and no reason other than an *argumentum ex silentio* for denying that they existed earlier in the fifth century.

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[1] In the case of the Anagrapheus Nicomachus (Lysias, XXX, 2-5).

[2] Cf. above, p. 144, note 6.

[3] Cf. *I.G.*, I², 115; Lysias, XXX, 3 ff.

[4] Andoc., *de Myst.*, 84 f.

[5] The Thirty had destroyed the inscriptions on the Areopagus recording the laws which related to the Council of the Areopagus (*Ath. Pol.*, 35, 2), and separate stelæ recording the grant of special privileges to individuals (cf. above, p. 146, note 2).

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[1] πάτριος πολιτεία (*Ath. Pol.*, 34, 3). To make this possible after the confusion recently caused by unscrupulous Anagrapheis (cf. Lysias, XXX, 3 ff.) was in fact the reason for the appointment of the thirty Syngrapheis (cf. Xen., *Hell.*, II, iii, 2) who afterwards assumed despotic power.

[2] τοῖς νόμοις τοῖς ἀρχαίοις χρῆσθαι (Xen., *Hell.*, II, iv, 42), πολιτεύεσθαι κατὰ τὰ πάτρια (Andoc., *de Myst.*, 83).

[3] Cf. Andoc., *de Myst.*, 83 ff. Five hundred Nomothetæ chosen by the Boule are to write up on boards and display before the statues of the Eponymi all the laws except those of Dracon and Solon, which are to be reaffirmed automatically. The Boule, and another set of 500 Nomothetæ chosen in the demes, these last after taking the oath, are to carry out a scrutiny of the laws so set forth. The only difficulty here, and that merely an apparent one, is the first set of Nomothetæ, who do not correspond to those who in the fourth century operated at the end of the first Prytany. Kahrstedt explains them as Anagrapheis, but for reasons explained above (cf. p. 144, note 6) they should rather be regarded as Syngrapheis appointed for the purpose of drafting the laws in question. The Syngrapheis of 404 (the Thirty) are in fact called Nomothetæ by Xenophon (*Memor.*, I, ii, 31), and it was natural to use this name, seeing that in the fourth century it is given not only to the sworn Nomothetæ who scrutinised the laws, but also to the individual proposers of new laws. In 403/2 it was clearly undesirable to leave it to individuals to bring forward proposals, and natural to appoint a committee for this purpose, as had been done on many occasions earlier in the fifth century (cf. above, p. 141).

[4] Cf. above, pp. 123 ff.

[5] As Kahrstedt suggests, *op. cit.*, p. 11.

Of the suggestions made by De Sanctis and by Grote, the revolution of 461 seems a more likely time for the innovation of Nomothetæ than the earlier date, since the functions performed by the Nomothetæ are such as we should expect to have been included in the "Guardianship of the Laws" entrusted to the Areopagus[1] until its overthrow in that year. De Sanctis' argument that election of the Nomothetæ in the demes[2] connects them with Cleisthenes' organisation of the Boule of five hundred carries no weight, since the members of the Boule were still themselves chosen in the demes in the fourth century B.C.,[3] and it would be natural to adopt the same procedure if the same number (or twice the number) of Nomothetæ were required, even if the Nomothetæ were a later innovation than the Boule.

In the absence of more precise information, it seems, therefore, most probable that Grote was right in assigning the origin of the Nomothetæ to 461 B.C., and it may be supposed that the whole complicated system of law-making was already in force under the Periclean democracy. But this is not to say that the ἐπιχειροτονία τῶν νόμων described in Demosthenes (XXIV, 20 ff.) preserves the law in precisely the form in which it existed in 460 B.C. The system of law-making itself implies that alterations could be from time to time incorporated in any law, and it is therefore perfectly natural that this particular law should contain later additions such as are pointed out by Kahrstedt.[4]

It remains to explain the fourth-century attribution of the Nomothetæ to Solon, which cannot be accepted because Solon left the Areopagus as "Guardians of the Law." A possible explanation is to be found in the sharp distinction drawn between (*a*) the laws of Dracon and Solon, which were republished before 403/2 (where necessary) on separate stelæ, or if this was thought unnecessary, were left on the original κύρβεις and ἄξονες;[5]

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[1] Cf. *Ath. Pol.*, 8, 4.

[2] Cf. above, p. 134.

[3] Cf. Busolt, *Die Griechischen Altertümer* [2] (1892), p. 214, note 2.

[4] *Op. cit.*, p. 11.

[5] Cf. p. 146, note 1, also *I.G.*, I², 115, ll. 5-10 (Dracon's law of homicide was set up in 409/8 on a separate stele in front of the Stoa Basileia).

and (*b*) the later laws, which were reinscribed in 403/2 on the walls of the Stoa Basileia.[1] It is known that the laws issued in 461 B.C. had not been inscribed on the Stoa Basileia, but in 404/3 were still set up on the Areopagus;[2] but after 403/2 it might easily be supposed that the general distinction held good for all cases, and that all laws which were not inscribed on the walls of the Stoa Basileia were laws of Dracon or Solon. Since, moreover, the only laws of Dracon which still remained in force after Solon's legislation were those relating to murder and homicide,[3] it was natural to suppose that if a law was not inscribed on the wall of the Stoa Basileia, and did not relate to homicide, it must be a law of Solon.

[1] Andoc., *de Myst.*, 84 f.

[2] *Ath. Pol.*, 35. 2.

[3] *Ibid.*, 7. 1.

# THE PROTESTATION OF RICHARD II IN THE TOWER IN SEPTEMBER, 1399.

BY H. G. WRIGHT, M.A.

THE story of the capitulation of Richard II as narrated in the roll of Henry IV's first parliament was suspect from the first, and has long had open doubt cast upon it.[1] It has recently been subjected to close scrutiny and analysis,[2] and it has been clearly demonstrated that Henry's partisan account, supported by Lancastrian chronicles, must not be accepted at its apparent value. "The free resignation at Conway and the account of Richard's cheerful bearing in the Tower are soothing falsehoods which probably no one at the time believed or was expected to believe."[3] The official fiction of a voluntary and happy resignation was untrue, but there is reason to believe that the version was more widely disseminated because from the time Richard became a prisoner every attempt was made to conceal the truth that he regarded himself, as he never ceased to do, as true king. Instead, therefore, of a story of absolute surrender, we have one of capitulation on conditions: instead of a picture of Richard in the Tower as a happy man, there is the suggestion both of coercion and a denial of a hearing in Parliament. For what happened in the Tower we have only, it has seemed, Henry's account of Richard as "benigne respondens" (*Rot. Parl.*, iii, 416) to guide us. The reservations which Richard made before his surrender, and which he maintained in the Tower, naturally found no place in the records. They have, however, been preserved in other sources, some of which have long been in print. The form in which they appear is somewhat confused and corrupt, but their reiteration in substance clearly bespeaks some authoritative and first-hand source. The corruptness of the text is probably the reason that they have never attracted the attention of any historians but Stubbs and Sir James Ramsay, and them only slightly.[1]

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[1] "A gross fabrication published by Henry IV for purposes of state," *Archæol.*, XX, p. 139. "Dextrous legal subtleties," Tout, *Chapters*, IV, p. 62.

[2] "Deposition of Richard II," Clarke and Galbraith, *Bulletin of John Rylands Library*, Manchester, Vol. XIV, 1930.

[3] *Ibid.*, p. 33. *Camb. Med. Hist.*, Vol. VII, p. 480.

Richard's reservations were threefold but brief. His first and major objection was that he had not yielded and could not yield up the office of King, though he might hand the reins of government over to another person. The two minor points were that he wished Henry of Lancaster to be next in the line of succession, and that he desired his provisions for an obit to be carried out. Even in the Roll of Parliament we have the first of these minor reservations, as much as it was in Henry's interest to issue: "Rex Renunciationi et Cessioni predictis verbo-tenus adjunxit, Quod si esset in potestate sua, dictus Dux Lancastriae succederet sibi in regno." [2] As will be shown later, Richard's wish was that Henry "proximo succederet," which, while Richard was still reigning, was not the same as the substance of Henry's statement. This statement is verbally reproduced by Walsingham in the portion of the fuller version of his chronicle which has been printed as *Annales Ricardi Secundi*,[3] but he also reveals that Richard did actually raise his major objection, not on the same occasion, but after his deposition when Thirning came to the Tower to announce it to him: "Ubi vero Dominus Willelmus Thernyng dixit ei quod renunciavit omnibus honoribus et dignitati Regi pertinentibus respondit quod noluit renunciare spirituali honori characteris sibi impressi, et inunctioni, quibus renunciare nec potuit nec ab hiis cessare." [4] A reference to the third, or obit reservation, is contained in a

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[1] Stubbs, *Const. Hist.*, III, 2nd ed., p. 13, § 362: "Richard . . . refused to renounce the spiritual honour of the royal character impressed upon him or his unction" (from *Ann. Hen.*, p. 286). *Genesis of Lancaster*, Vol. II, pp. 368-9: "In the course of some conversation that ensued Richard maintained that the spiritual authority imparted to him by his hallowing was indelible and could not be renounced by him, a doctrine emphatically rejected by the Chief Justice."

[2] *Rot. Parl.*, III, p. 417.

[3] With Trokelowe, R.S., p. 256.

[4] *Ibid.*, p. 286.

London chronicle[1]: "Outake the landes and possessions ffor me and my obyt ordeyned and bouht."

It is the Monk of Evesham who gives the fullest account of Richard's case: "In quo quidem parliamento primo viz. die parliamenti, dicto Rege Ricardo absente, et in Turri (ut praefertur) in salva custodia existente, ceteris Dominis spiritualibus et temporalibus totius Regni ac plebeis praesentibus per nuncios, a Rege Ricardo destinatos, quaedam resignatio, per ipsum Regem sponte facta, extitit praesentata. Cuius resignationis tenor talis est. . . . Ego Ricardus, Rex praedictus, me subscribo, praesentibus viris . . . et aliis, praemissa cum protestatione, quod noluit nec intendebat renunciare carrectis, animae suae impressis. Item et quod reservavit sibi redditum, terras et tenementa, empta et perquisita de Domino Ricardo le Scrope pro obitu suo et aliorum apud Westmonasterium faciendo et injussu, voluitque (note: In usu, noluitque-Cl.) et declaravit, quod (in quanto in ipso fuit) quod Dominus Henricus, Dux Lancastriae, proximo succederet sibi in Regno."[2] This contains all three reservations, but linked with Henry IV's voluntary resignation story, the two accounts being evidently interwoven by the chronicler. There is the official Lancastrian version in "resignatio per ipsum Regem sponte facta," and there is the statement of objections raised by Richard. The Monk of Evesham, being a compiler with access to various official sources, might be expected sometimes to gather and weave together contradictory fragments. The evidence of Walsingham and Evesham, being that of chroniclers hostile to Richard II, is the more valuable on that account.

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[1] *Chronicles of London*, ed. C. L. Kingsford (1905) I, Julius B. II, 1399, p. 21. Professor Galbraith kindly points out that the fifteenth-century translation of a continuation of Higden mentions this and the second point. (*Polychronicon*, R.S., VIII, p. 509): "Also the seide kynge Richarde desirede that he myghte reioyce certeyne lyvelode boughte afore, whiche he intendede to distribute for his sawle to the monastery of Westmonastery. Which kynge desyrede and seide openly that hit was his wylle that the seide duke of Lancastre, cosyn to hym, scholde succede in that realme of Ynglonde, and reioyce his crowne." In a letter to Professor Tait, Professor Galbraith says: "We shall never, in my opinion, reconstruct accurately what happened to Richard in the Tower, as we do not know what force or fear was used on him. But it is quite clear that at some stage Richard made the threefold protestation. Exactly when is uncertain (the *Annales* place it a day later than others), but it seems likely, I think, that he made it by word of mouth only (as in the *Annales*) when called on to subscribe to the prepared act of renunciation and abdication." If, however, Richard made his protestation by word of mouth only, someone must have taken it down, or it would be difficult to account for Stowe MS. 66 or Agarde's "Record" (*v.* p. 16).

[2] *Monk of Evesham*, ed. Hearne (1729), pp. 157, 159. Hearne's alternative reading "In usu," etc., is from Cotton MS. Claud. B. 9, fol. 302*b*.

The evidence for Richard's reservations which has so far been considered has long been in print, though, as we have seen, it has attracted little attention. There is a further source, still in manuscript,[1] and practically unknown, which has the merit of showing how all the references fit in together, confirm one another, and point to some common source. It is a contemporary document,[2] and sets out more clearly than in Evesham the three-fold declaration. In that portion of his Descriptive Catalogue of Manuscripts relating to the history of Great Britain and Ireland which remains in manuscript at the Public Record Office,[3] Sir Thomas Duffus Hardy refers to the document as being among the Earl of Ashburnham's manuscripts. " The written pages," he says, " are only four, but they appear to be coeval with Richard II. Annexed to it [4] is the Protestatio Regis Ricardi ante Resignationem." It is elsewhere [5] described as " A quarto of four vellum pages apparently coeval with Richard II." The MS. has an illuminated initial and is of small size. Its somewhat careless ' layout,' and the character of its script do not suggest official origin. It consists of the following parts :—

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[1] Brit. Mus., Stowe MS. 66 (*Index Stowe*, Vol. I, p. 43), Vellum ff. 2, XVth Cent., Duodecimo. The Stowe MSS. were collected early in the nineteenth century by the Marquis of Buckingham. They had been chiefly the property of Thomas Astle, Keeper of the Records in the Tower, who died in 1803, leaving them by his will to the Marquis for a nominal sum. In 1849 the Stowe MSS., with important additions made by purchase, were bought by the Earl of Ashburnham to form one of the four great sections of his library of MSS. In 1883 the British Museum bought the Stowe MSS. apart from the others.

[2] Professor Galbraith says that the script of Stowe MS. 66 is of the early fifteenth century.

[3] P.R.O., Lit. Search Room, Press 14/6, Vol. II, p. 321 (1370-1399).

[4] Or, rather part of it.

[5] *Hist. MSS. Comm.*, *8th Report*, Part III, Appendix, 1881, p. 16*a*. " Depositio Regis Ricardi II ab Henrico Perjuro illo Lancastriae Duce."

I. A version of the document by which Richard II released his subjects from their allegiance to him, i.e. the act of abdication or resignation.

II. A list of those present in the Tower when Richard is said to have subscribed to the act of resignation.

III. A Protestation made by Richard before his resignation.

IV. Henry of Lancaster's declaration after the notification in Parliament of the resignation.

V. Henry of Lancaster's declaration before his election.

VI. Four lines of verse moralising on Richard's fall.

VII. Twenty lines of verse in praise of England.[1]

VIII. A few lines of spiritual advice—possibly in a different hand, and not written with equal care.

The act of Resignation in Stowe MS. 66 follows the Act in the Roll of Parliament very closely in the main, but there are about twenty minor differences. In addition, there are two places where the text of the Roll is in stronger phrasing by the omission in the Stowe MS. of the terms "Dimissioni" and "Resignationi," and further, while the Roll ends with "Ego Ricardus Rex antedictus propria manu me subscribo," the Stowe MS. has "Et ego Ricardus praedictus subscribo."[2] The original document of resignation with Richard's sign-manual affixed is not extant. The Roll of Parliament contains the text of a pretended act of resignation, but it is in no way authenticated.[3] It may have been true in whole or in part only. If Henry IV's story was accurate there was much to gain and nothing to lose by adding the original document to the official record. It is not unlikely, therefore, that if the Stowe MS. differs significantly, and with corroboration from other sources, from the official record in the text of the Act of Resignation, we are dealing with a document that brings us nearer to the truth. If Henry of Lancaster used coercion upon Richard in the Tower,[1] changes to strengthen the document in Henry's favour are explicable. This is interesting if the Stowe MS. can be confirmed in the statement made in its third section that there was a "Protestatio regis Ricardi ante Resignationem." In view of such a protest it is not easy to believe that Richard signed any document of resignation "hillari vultu," although it would be necessary for Henry to maintain in Parliament that Richard had done so. According to Hardyng, Richard, under duress in the Tower, did make a renunciation,[2] used to the full by Henry in his official account. What is not allowed to appear in Henry's story of a vacant throne, and that for the very evident reason that in a few words it is the very negation of that narrative, is that the throne, as Richard the right occupant contended, was still indefeasibly and officially occupied. The occupant, according to the third section of the Stowe MS., categorically declared " ante resignationem," that the sacred marks of kingship would not be surrendered, a clear challenge to the validity of the ceremony of " resignation " then about to take place. Richard's protest, according to the Stowe MS., was : " Praemissa protestatione quod noluit nec intendebat renuntiare carecteribus animae suae impressis a sacramentali unctione. Item quod reservavit redditus, terras et tenementa per ipsum empta et perquisita de domino Ricardo Scrop pro obitu suo et aliorum apud Westmonasterium faciendo et in usu

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[1] Brit. Mus. Cat., Stowe MSS. (Vol. I, p. 43) says that the twenty lines of verse beginning "Anglia terra ferax et fertilis angulus orbis" have been attributed by Trithemius to Richard of Cluny, to Alfred of Beverley and to Henry of Huntingdon. There is another copy, Addit. MS. 11983. The first line is reflected in "Engleterre q'est la pluis habundant Angle de Richesse parmy tout le Monde," the words of Archbishop Arundel at the opening of the Parliament of September, 1399.

[2] Evesham, p. 159, has "Fecitque se scribi, dicens: Ego Ricardus Rex praedictus me subscribo." Cf. Walsingham, *Hist. Angl.* (R.S.), Vol. II, p. 234, "Et manu propria se subscripsit," and the *Annales* (R.S.), p. 256, "Ego Ricardus, Rex antedictus, propria manu me subscribo."

[3] Professor Galbraith says: "I think we must accept the fact that he signed the renunciation. There were too many witnesses for that to be false."

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[1] "emprisoned in the Toure of London of grete violence," *Rot. Parl.*, Vol. V, I Ed. IV, p. 463.

"Primo negavit," says the author of the continuation of the *Eulogium Historiarium* (R.S. III, p. 382) "sed post ostenderunt sibi quod oportebat eum renuntiare, et hoc absolute et sine conditione." Here a euphemism clearly conceals coercive persuasion.

[2] *The Chronicle of John Hardyng* (ed. Henry Ellis, London, 1812), pp. 351/2: "The Harleian MS. has here the following prose addition—which also occurs at the end of the Selden MS.—"Nos Henricus Percy, Comes Northumbrie . . . Henricus Percy Primogenitus noster . . . et Thomas Percy Comes Worcestrie . . . ponimus, dicimus et probare intendemus manibus nostris personaliter, die instante, contra te Henricum ducem Lancastrie, complices tuos et fautores, te injuste presumentem et nominantem regem Anglie, sine titulo juris nisi tamen de dolo tuo et vi fautorum tuorum, Quod quando tu post exilium tuum Angliam intrasti, apud Doncastre tu jurasti nobis supra sacra evangelia corporaliter per te tacta et osculata juxta clamare regnum, seu regium statum, nisi solummodo hereditatem tuam propriam et hereditatem uxoris tue in Anglia, et quod Ricardus dominus noster rex ad tunc regnaret ad terminum vite sue gubernatus per bonum consilium dominorum spiritualium et temporalium. Tu ipsum dominum tuum et regem nostrum imprisonasti infra turrim London quousque resignaverat metu mortis regna Anglie et Francie, et renunciaverat otum jus suum regnis praedictis . . . tu te coronasti contra sacramentum uum: unde perjuratus es, et falsus." *Ibid.*, p. 353: "For I, John Hardynge . . herde the erle of Northumberlonde . . . saie, that the seid kynge Henry made kynge Richarde under duress of prison in the Toure of London in fere of is life to make a resignation of his right to hym. And upon that a renunciation f the seide right. . . ." As Professor Tait points out, Northumberland did ot dispute that Richard renounced *all his right*. He rested his case on the co-cion. Northumberland's silence about the "protestation" does not seem to

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mean that he was ignorant of it, but rather that he left it to be understood that coercion, made necessary by Richard's defence of his inalienable rights, covered all.

In his introduction to Hardyng's *Chronicle*, Ellis says he made use of four MSS., B. Mus. MS. Harl. 661, Bibl. Bodl. MSS. Archiv. Seld., B. 10, MS. Ashmole 34, and Lansdowne MS. 204. In spite of this careful collation there is a difficulty in the reading : " . . . tu jurasti nobis supra sacra evangelia corporaliter per te tacta et osculata juxta clamare regnum, seu regium statum . . ." which is the opposite of what Northumberland apparently meant, and a reading which Professor Tait had doubted. The MS. Harl. 661 gives this version, but there is a transcript of the prose additions to Hardyng (MS. Harl. 293, f. 78)—" The Quarrell of Sir Henrye Peircye at Shrewsbury, his Father the Earl of Northumberland, and Unkle Thomas Percie, Earl of Worcester, by the Councell of Scroope Archbishop of Yorke, and other holy men : with King Henry IV. Written by John Harding.") which gives what seems to be a more accurate rendering. The verbal differences are italicized. " . . . intendimus manibus nostris personaliter die instante contra te Henricum Ducem Lancastriae complices tuos et fautores te injuste presumentem et nominantem Regem Angliae sine titulo juris nisi tamen de dolo tuo et vi fautorum tuorum, quod quando tu post *exilium* tuum Angliam intrasti apud Doncastre tu jurasti nobis supra sacra evangelia corporaliter per te tacta et osculata, *nunquam* clamare *coronam regnum regium statutum* nisi solummodo hereditatem tuam propriam et hereditatem uxoris tuae in Anglia et quod Ricardus dominus noster rex *et tuus* regnaret ad terminum vitae suae gubernatus per bonum consilium dominorum spiritualium et temporalium tu ipsum dominum et regem nostrum imprisonasti infra turrim Londoni quousque *resignaverit* metu mortis Regna Angliae et Franciae et renuntiaverat totum jus suum in regnis praedictis et aliis dominiis suis et terris de ultra mare colore quarum resignationis et renuntiationis tuorum fautorum consilio ac publica vociferatione vulgaris populi Westmonasterium te et tuos complices collecti tu te coronasti in regem regnorum praedictorum et seisiri fecisti *omniaque* castra et dominia. . . ." Here " quousque resignaverit . . . Regna " seems to mean that Richard was imprisoned until he should resign.

etc. Item voluit et declaravit quod renuntiavit regimen regni in quod quantum in eo fuit dominus Henricus dux Lancastriae proxime sibi succederet in regno." This forms a close parallel to the relevant passage in Evesham, with the significant addition of "Sacramentali unctione" and "renuntiavit *regimen* regni." It is something new and foreign to Henry's case. It shows Richard doing his utmost to invalidate the ceremony of Henry's enthronement, and such action is efficacious because he can deny the essential part of the ceremony, the statement that he is yielding up a kingship, the essentials of which by those divine and permanent characteristics, once given with every accompaniment of reverence and austere dignity that man could devise, can never be obliterated. It is no wonder that at the critical moment in Parliament, the enthronement of Henry, Richard appeared only by proxy. This objection on Richard's part probably explains the double process completed by Thirning, the Chief Justice. If the Act of Resignation produced by Henry were Richard's free deed, the latter had given back to all men their oath of fealty and homage, and that was enough; but Thirning went to the Tower and retracted the homage and fealty of all men from Richard.[1] This latter act is explicable in the light of Richard's protest—that he was still king, and that fealty and homage were still due to him and not to Henry.[2]

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[1] "Furthermore the said states, willing that nothing should be wanting which might be of value, or ought to be required touching the premises, being severally interrogated thereupon, did constitute the same persons that were before nominated commissioners, to be their procurators, jointly and separately to resign and give back to the said King Richard, the homage and fealty to him before made," *Rot. Parl.*, III, p. 422. "This was a form which we should think very unnecessary and valueless, but to which great importance seems to have been attached," Campbell, *Lives of the Lord Chief Justices*, Vol. I, p. 117. Regarding this retraction of fealty and homage, Professor Tait says: "I am not quite sure that it would not have been formally requisite even if there had been no *protestatio*. There could not be much 'freedom' in a prison. There is also the precedent of the withdrawal of allegiance and homage from Edward II after his abdication."

[2] In the parallel case of Edward II, "The King had a complete remedy for what he did under constraint. When the governor and head of the law was in prison the law itself was in prison." (*Year Book 20/21 Ed. I*, R.S., p. 192). "The king by his own grant could do nothing in restraint of the royal power." (*Eyre of Kent*, Seld. Soc., Vol. III, pp. 172/3.) J. Conway Davies, *Baronial Opposition to Edward II* (Cambridge,, 1918) p. 43.

To understand further the force of Richard's objection and to realise what the mystical marks or characters denoted which Richard was resolute not to surrender, it is necessary to refer to the implications of the mysterious process that made a king. The mediæval conception of kingship follows that of the Old Testament in paying extreme regard to the ceremony of anointing, by which the person elected to kingship became a deacon. "The King duly anointed," says Lyndewood, the English canonist, "is no mere layman, but a persona mixta, one in whom the characters of clerk and lay are combined." [1] By the English Common Law an anointed king had spiritual jurisdiction at his command. The sacring concerned itself with the "characters" mentioned by Richard II as the core of his objection. "This sacred character (to use a theological expression) was impressed upon him at his coronation, when he was anointed and consecrated king." [2] It is clear, then, that the climax of the whole coronation service is the anointing, which confers the characters of kingship and the sevenfold gifts of the Holy Spirit upon the king. "Nothing which goes before, and nothing which follows, can approach the anointing in significance . . . the king is vested and adorned with the regalia because he is anointed . . . he is not anointed in order that he may receive the regalia." [3] How sacred the unction was regarded may be seen much earlier than 1399, for what made the crime of Becket's murderers particularly heinous was that their swords defiled the crown of the archbishop's head, once anointed with the holy oil of chrism.[4] Such a balm had given kingship to Richard II, and on this conception of the unique, sacred and indissoluble character impressed upon his being when the unction made him a royal person, he took his stand.

To solve this problem of Richard's protest that the characters of kingship were inviolable Henry took two courses. He first tried to lessen the reverence due to Richard by a story alleged to have been invented by his father[1] that his own descent was from the elder son of Henry III. Since on this view Edward I was not the elder son, Richard's claim would be inferior to that of Henry of Bolingbroke.[2] "He seid he entred and toke upon hym the Corone, as right enheriter to Kyng Herry the third, and not as a conquerour."[3] Henry IV's second means was to adapt to his own purposes a legend existing since the time of Edward II. This legend described how the Virgin appeared to St. Thomas of Canterbury, when in exile in France, and gave him a phial of oil in a golden eagle. She said, according to a letter of Pope John XXII to Edward II,[4] that a king would arise, a champion of the Church, and the fifth king after Henry II, who by virtue of this most holy oil, which he was to find, would recover the Holy Land. Owing to the efforts of Henry IV, this legend was widely disseminated in 1400 with two discrepancies: first that Edward III, and not Edward II, was the king in whose reign the phial was found: and secondly, that after the first Duke of Lancaster, who received it from the finder, gave it to the Black Prince, the phial was neglected and lost to sight, being found by chance late in the reign of Richard II. Richard was then alleged to have taken it to Ireland, and to have brought it back after asking in vain to be reanointed. Such a ceremony, it was pointed out, could not be performed twice. The phial was therefore handed over to the Archbishop of Canterbury: "Quam petenti Archiepiscopo apud Cestriam tradidit, dicens sibi jam patenter clarescere quod non fuit voluntatis divinae ut ungeretur illo unguine, sed alteri deberi tam nobile sacramentum. Archiepiscopus vero, reservans tanta jocalia sub veneranda custodia, ea tenuit usque ad tempus Coronationis Regis moderni, qui primus Regum Angliae unctus est tam pretioso liquore."[1] In addition to Walsingham's version of the legend as used by Henry IV, there is another source,[2] which "professes to be a relation by the Archbishop of the delivery of the oil, and represents the state of the legend early in the fifteenth century. The MS. is defective and missing words are supplied by a MS. of the same century (Ashm., MS. 59, fo. 77) which has an extremely corrupt text."[3] "This is the oil," says the Virgin Mary in this text, "with which the Kings of England must be anointed, but not those who now reign or will reign, and who, on account of their many crimes, have lost and will lose much. But kings of the English shall arise who will be anointed with this oil, and who will be good and champions of the Church. They will recover peacefully the lands lost by their forefathers as long as they have the eagle and phial. . . . Now there will be a King of the English who will be the first to be anointed with this oil; he shall recover without force the land lost by his forefathers, that is to say Normandy and Acquitaine. He will be greatest among kings, and he it is that will build many churches in the Holy Land, and will put all heathen from Babylon to flight, and will cause many holy churches to be built there, and as often as he carries this eagle on his breast he will have the victory over all his enemies and his kingdom will be ever increased. . . ."[4] Henry thus claimed a monopoly of all the sanctity there was in the royal anointing. That he took such steps to nullify the sanctity of Richard's anointing shows that the protest raised by Richard was of some moment; that when the latter stated he did not wish, nor was it his intention, to renounce those signs or characters impressed upon his soul by the sacramental unction, he was laying down the condition that he could not be divested of the characters of kingship—"quibus renunciare nec potuit nec ab hiis cessare."[1] When Richard says, as reported in Stowe MS. 66, that he gave up the "regimen regni," there is the plain meaning of mere rule or government of the country,[2] such as was always apt to be taken out of the weak hands of inefficient kings by groups of nobles acting in concert, ostensibly for the salvation of the realm. Evil kings, weak kings, or minors suffered this experience. "Lack of governance" is the state of affairs that society cannot endure. Henry III and Edward II, and even Richard himself on a previous occasion, had given up this government or regimen for a time, but not the regnum. Richard, however, was giving up this regimen with a proviso—that the proximate heir should be Henry. There could not be two kings reigning at the same time. Here Richard was clearly not renouncing the crown and leaving the throne empty.[3]

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[1] John Wickham Legg, *The Sacring of the English Kings*, London, 1894, p. 3, "Quod rex unctus non sit mere persona laica sed mixta."

[2] *Three Coronation Orders*, Henry Bradshaw Society, Vol. XIX, p. 142.

[3] Leopold G. W. Legg, *English Coronation Records*, 1901, p. xxxiv.

[4] *Archæologia*, Vol. LIII, Part I, p. 213.

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[1] John Hardyng, *Chron.* (Ed. H. Ellis, London, 1812), p. 354, "John of Gaunt feyned and forgied the seide Cronycle that Edmonde shuld be the elder brother, to make his son Henry a title to the croun . . . whiche title he (Henry of Lancaster) put furste furth after he hade kynge Richard in the Toure. . . ." Stubbs (*C.H.*, 2nd ed., III, pp. 11, 12, § 302) and Armitage-Smith (*John of Gaunt*, pp. 358-362), do not accept Hardyng's assertion of forgery by John of Gaunt, but the claim was raised in September, 1399 (Usk, 30) and though rejected by Henry's advisers, may be vaguely advanced in his own words in the Roll of Parliament: "I . . . chalenge yis Rewme . . . als I yt am disendit be right lyne of the Blode comyng fro the gude lorde Kyng Henry therde and thorghe yat ryght yat God of his grace hath sent me . . . to recover it. . . ." (Cf. Stubbs, *loc. cit.*) The continuator of the *Eulogium* says (under 1394), "In hoc parliamento dux Lancastriae petiit quod filius suus Henricus judicaretur haeres regni Angliae; cui contradixit comes Marchiae. . . . Econtrario dux dicebat quod Rex Henricus Tertius habuit duos (filios), Edmundum seniorem et primogenitum, et Edwardum. Qui tamen Edmundus dorsum habuit fractum . . . quare pater eorum eos sic componere fecit, quod Edwardus regnaret. . . ." *Eulog. Hist.*, R.S., Vol. III (*Continuatio Eulogii*), p. 369. This may seem to support Hardyng, but the continuator, like Hardyng himself, wrote in the fifteenth century and his statement is unsupported.

[2] *Rot. Parl.*, III, pp. 422-3.

[3] *Ibid.*, V, p. 376 (1460).

[4] Leopold G. W. Legg, *op. cit.*, p. xxxvii and p. 73.

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[1] Walsingham, *Hist. Angl.* (R.S.), II, p. 240.

[2] Bodl. Ashm. MS. 1393, fo. 52.

[3] Leopold G. W. Legg, *op. cit.*, p. 169.

[4] *Ibid.*, "statimque apparuit michi beata virgo maria . . . et aquilam cum ampulla in manu mea posuit et hec verba per ordinem dixit, ista est unccio de qua debent ungi reges anglorum non isti qui modo regnant sed qui regnabunt, ipsi maligni sunt et erunt, propter eorum peccata multa amiserunt et amittent,

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sunt autem reges anglorum futuri qui ista unccione ungentur, benigni et pugiles ecclesie erunt. Nam illi terram amissam a parentibus pacifice recuperabunt donec aquilam cum ampulla secum habeant. . . . Est etenim rex futurus qui post ista unccione ungetur qui terras a parentibus amissas videlicet Normanniam et Aquitaniam recuperabit sine vi. Rex iste maximus erit inter reges et est ille qui recuperabit multas ecclesias in terra sancta et effugabit omnes paganos de babilonia, et ibidem plures ecclesias sanctas edificari faciet. Quocienscunque vero Rex iste dictam aquilam in pectore suo portabit de suis inimicis victoriam habebit et regnum eius augmentabitur. . . ."

[1] *Annales*, R.S., p. 286.

[2] E.g. "Obicitur Regi, Quod propter malum *regimen* suum. . . ." Articles of Objection against Richard (*Rot. Parl.*, III, 417).

[3] Henry and the Lancastrian partisans emphasise a resignation, a cession of an empty crown and a vacant throne, not the transfer of "regimen." Cf. Usk (ed. Maunde Thompson, 1904), pp. 31-2: "In festo Sancti Michaelis, missi erant regi in Turri, pro parte cleri, archiepiscopus Eboracensis et episcopus Herfordensis . . . ad recipiendum cessionem regis Ricardi"; p. 30: ". . . deponendi Ricardum cause fuerant sufficientes; et licet cedere paratus fuerat . . ."; p. 32: "Ipsius status regii resignacionem . . . in pleno legit parliamento"; Evesham, p. 160: "Ego Henricus Dux . . . istum Tronum regium,

The idea of himself being king while the ruling of the kingdom was done by others was not new to him, for he had had a long experience of tutelage and subordination to ambitious uncles. Twenty-two years before, under Thomas, Duke of Gloucester, there was actual talk of deposing Richard temporarily while a small coterie of great lords carried on the government.[1] As one of the lords who took the government completely out of Richard's hands for a year, Henry of Lancaster would be perfectly familiar with this suggested deposition.[2] Richard, on his part, would, in 1399, be saving the Crown's prerogative and liberties not for the first, but for the second time, and had a previous experience to guide him, as it would appear, out of the *impasse*. It was characteristic of Richard's belief in the divine right of kings, that as long as he lived he should view

jam vacantem, Coronam et Regnum . . . assumo et eundem ascendi." Henry's own statement (*Rot. Parl.*, III, 416) was that Richard "apud Coneway in North Wallia in sua libertate existens, promisit Domino Thome Archiepiscopo Cantuariensi et dicto Comiti Northumbrensi se velle cedere et renunciare Corone Anglie et Francie et sue Regie Majestati." The "renuntiavit regimen regni" of Stowe MS. 66 becomes, besides much else, in *Rot. Parl.*, III, pp. 416-417, "a Juramento Fidelitatis et Homagii . . . omnique vinculo Ligeantie et Regalie . . . relaxo, libero, et quieto . . . omnique Regie Dignitati ac Majestati et Corone . . . omnique Juri et colori Juris . . . pure, sponte, simpliciter, et absolute . . . in totum resigno . . . set easdem Renuntiacionem, Resignationem, et Dimissionem et Cessionem imperpetuum ratas et gratas habebo. . . ."

[1] "In that, that I was in place ther it was communed and spoken in manere of deposyl of my liege loord trewly I knowlech wele that we were assented thereto for two dayes or thre, and than we for to have done oure homage and our oothes and putt hym as heyly in hys estate as ever he was. . . ." Gloucester's Confession in *Owens College Historical Essays* (Ed. T. F. Tout and J. Tait), p. 207. See *Rot. Parl.*, III, 379.

[2] In 1397 Richard attributed the rejection of the suggestion of his deposition to the intervention of Henry, then Earl of Derby, and the Earl of Nottingham (*Rot. Parl.*, III, p. 376). The Monk of Westminster, however, ascribed it to the Earl of Warwick (Higden, *Polychronicon*, IX, pp. 109-110). Richard gave way to the lords and commons in Parliament under the threat of deposition. In October, 1386, Parliament maintained that "licitum est eis (the lords and commons in Parliament) cum communi assensu et consensu populi regni ipsum regem de regali solio abrogare, et propinquiorem aliquem de stirpe regia loco eius in regni solio sublimare," (Knighton, *Chron.*, II, p. 219), but Richard protested personally in Parliament against anything which had been done contrary to the Crown's prerogative and liberties: "Le Roi en plein Parlement, devant le fyn d'icell, fist overte Protestation par sa bouche demesne, Qe pur riens q'estoit fait en le dit Parlement il ne verroit q̄ prejudice avendroit a luy ne a sa Corone, einz q̄ sa Prerogatif . . . ." (*Rot. Parl.*, III, p. 224).

himself as king. That his reign had been marked by misrule he considered untrue. He had just not pleased the people.[1]

The recurrent mention of indelibly impressed characters seems to show that there was a common document somewhere embodying Richard's statement in defence of his inalienable rights. A trace of such a common source seems to be found in a seventeenth-century transcript [2] of the documents touching the resignation of the crown by Richard and its acceptance by Henry of Lancaster. It was made at a time when exalted claims concerning prerogative and the divine right of kingly authority resulted in close examination of fourteenth-century parliamentary records. One item of the transcript is noted as "The Resignation of the Crown by Richard II and the Acceptation by Henry IV (copied out of the Record the 2nd of Sept., 1612, being in the Hands of Mr. Arthur Agard, Keeper of the Records at Westminster." [3] Here again the parallel with Stowe MS. 66 is so close that one would like to know what was the original in the hands of the Keeper of the Records. It was certainly not the official account on the Roll of Parliament.

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[1] *Annales*, p. 286: "quia non placuit populo gubernatio sua," and *Eulogium*, III, p. 383, "sciebat, ut dixit, quod populus ipsum nunquam dilexit, nec ipse populum."

[2] Harl. MS. 293:—

Fo. 40. The names of such as have the Guard of Richard II.
- 40*b*. Short notes touching the Confession of the Duke of Gloucester, temp. Richard II.
- 47/8. The Resignation of the Crown by Richard II and the Acceptation by Henry IV (copied out of the Record the 2nd of Sept., 1612, being in the Hands of Mr. Arthur Agard, Keeper of the Records at Westminster.
- 49. Artyckles against King Richard II.
- 78. The Quarrell of Sir Henry Peircye at Shrewsbury . . . written by John Hardyng.
- 83. A proclamation clearing the lords of treason.
- 83. The Articles objected to King Richard II whereby he was accounted worthy to be deposed from his Principality, A.D. 1399.
- 84*b*. A copy of the instrument touchinge the Declaration of the Commissioners sent from the States in Parliament unto King Richard II.
- 85*b*. The Tenour of the Instrumente whereby King Richard resigneth the Crowne to the Duke of Lancaster.
- 86*b*. The Duke of Lancaster's challenge or Claime to the Crowne.

[3] Harl. MS. 293, ff. 47/8.

As may be seen from the contents of the Stowe section alone of the three thousand MSS. of the Ashburnham library, there must have been at times a leakage of documents from the national archives,[1] and although Agarde's original is not now traceable, it is justifiable to assume from his own note that it was once among the records. Besides several verbal differences from the Roll of Parliament, it contains, in its version of the Act of Renunciation, the clause—" Salvis terris et possessionibus per me pro obitu meo . . ." already referred to as being in the Protestation clause of Stowe MS. 66 but not in the Roll. It contains the obit clause again in its protestation section. It does not, further, contain " Ego Ricardus Rex antedictus propria manu me subscribo," which is in the Parliamentary Act of Resignation. Following Agard's Act of Resignation is a list of those present when Richard " subscribed " to the act, and then follows (fo. 48) : " Premissa Protestatione quod noluit nec intendebat renuntiare carectibus anime sue in premissis. Id quod reservavit sibi redditus, terras et tenementa per ipsum empta et perquisita de Domino Ricardo Lescrop pro obitu suo et aliorum apud Westmonasterium faciendo et in usu etc. Item voluit et declaravit quod renuntiavit regimen Regni ita quod quantum in eo fuerat quod Dominus Henricus Dux Lancastriae proxime [2] sibi succedat in Regno." Agarde says that this was " copied out of the Record," but in the Roll of Parliament I Henry IV there is not the slightest indication of the clause " noluit renuntiare carectibus anime sue," nor the obit clause, nor " renuntiavit *regimen* regni," and the word " proxime " does not appear. Each of these four points is contained in Stowe MS. 66.

It has been shown, therefore, that there is substantial support for the assumption that, instead of an unconditional surrender of his person, and of all his rights, Richard sought to make a bargain with Henry. The terms of this are faithfully reflected in the three-fold protestation.

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[1] So in France also, of course, for in *Les Manuscrits du Comte d'Ashburnham* (Paris, 1883), M. Léopold Delisle, the author, sets out to prove that part of the library, not the Stowe, but the Libri and Barrois sections, could not legally be sold, being French national property wrongfully acquired.

[2] The reading is " p̄x̄." In *Monk of Evesham* (1729), p. 159, Hearne gives " proximo " in " dux Lancastriae *px*° succederet sibi in regno " (Bibl. Cotton Claudius B. ix, f. 302).

# DOM VICTOR PERRIN AND THREE MANUSCRIPTS OF LUXEUIL.

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IN the seventh and eighth century the monastery of Luxeuil in eastern France apparently developed Europe's first calligraphic minuscule hand—a hand in which cursive writing was formalized to produce a harmony with the uncials and semi-uncials which were used for headings and other special matter. The history of this important script, which was imitated throughout France and even in northern Italy, is beset with thorny problems as yet unsolved. For the present, therefore, it is well to postpone a study of the characteristic Luxeuil " type " of the seventh and eighth century and to devote one's energies instead to a study of the transformation of this " type " into the Caroline minuscule which is found in the books of subsequent centuries.

Several years ago, with this idea in mind, I examined a number of manuscripts of the ninth and tenth century to test their provenience from Luxeuil and I was rewarded by discovering that four had one conspicuous feature in common. This feature consisted of an elaborate description of each codex in French, added, if one may judge from the writing, in the early part of the eighteenth century. In each case the description appeared on paper or vellum leaves [1] which had been prefixed to the manuscript proper. In each case the headings, subheadings, and a few other words were written in red, while the body of the description was written in ordinary brown ink. Directly above

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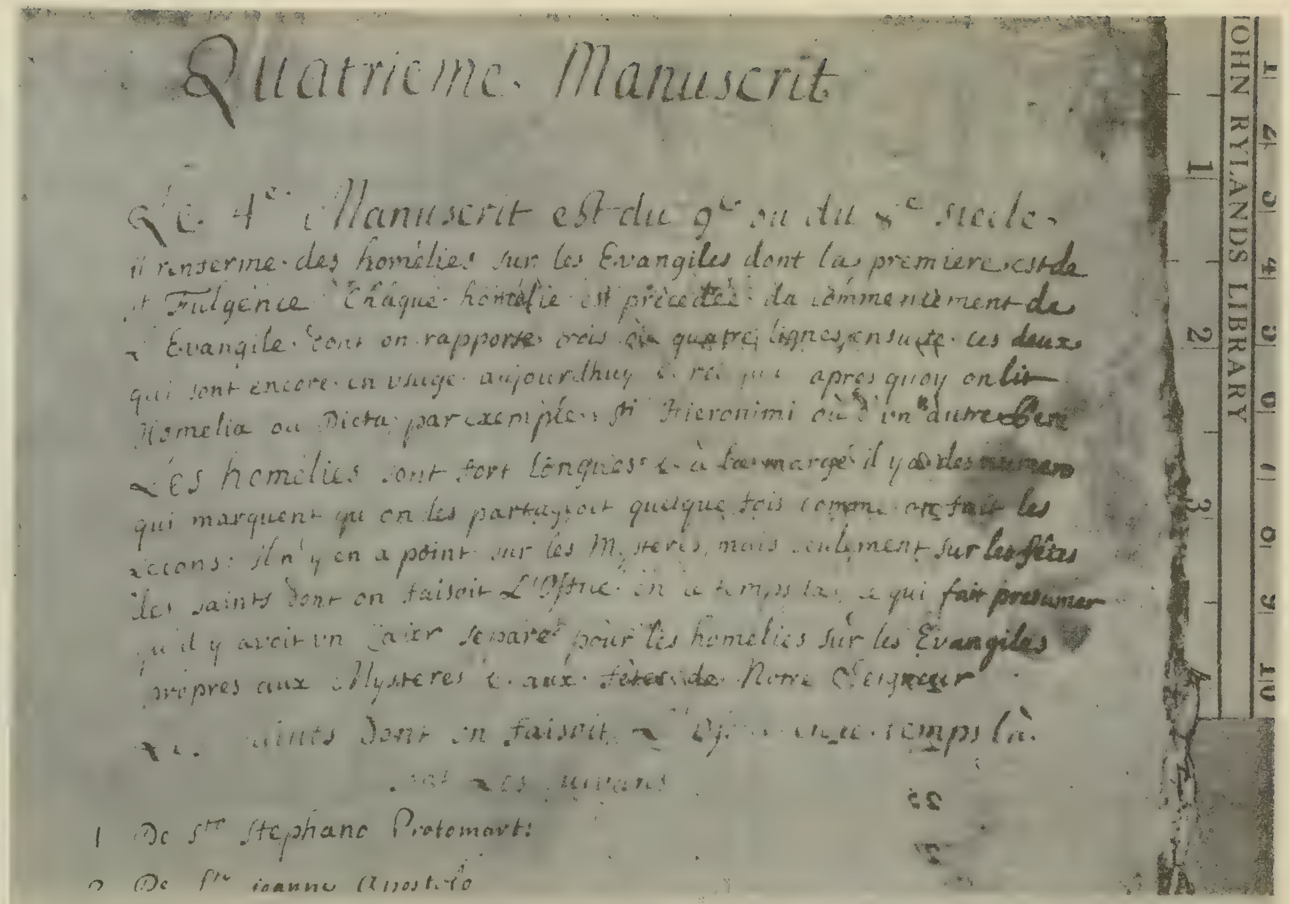
[1] One thin white paper fly-leaf and six fly-leaves of vellum in *Oxford, Bodleian Library, Add. A.* 173, *saec.* ix$^{ex}$ ; fly-leaves of similar thin white paper only in the other three MSS.



Quatrieme Manuscrit

Le 4e Manuscrit est du 9e ou du 8e siecle.
il renferme des homelies sur les Evangiles dont la premiere est de
st Fulgence. Chaque homelie est precedée du commencement de
l'Evangile dont on rapporte trois ou quatre lignes, ensuite ces deux
qui sont encore en usage aujourdhuy et reliqua apres quoy on lit
Homelia ou Dicta par exemple sti Hieronimi ou d'un autre Pere.
Les homelies sont fort longues et a la marge il y a des numeros
qui marquent qu'on les partageoit quelque fois comme on fait les
leçons: il n'y en a point sur les Mysteres, mais seulement sur les fêtes
des saints dont on faisoit l'Office en ce temps la, ce qui fait presumer
qu'il y avoit un Cahier separé pour les homelies sur les Evangiles
propres aux Mysteres et aux fêtes de Notre Seigneur.
Les Saints dont on faisoit l'Office en ce temps là.
sont les suivans
1 De Sto Stephano Protomarti
2 De Sto ioanne Apostolo

PLATE I. MANCHESTER. THE JOHN RYLANDS LIBRARY, LAT. 12. FLY-LEAF 4r, TOP. DOM PERRIN'S DESCRIPTION.

the centre of the first line of each description was a characteristic flourish: a long horizontal stroke transversed perpendicularly in the centre by two short parallel strokes placed close together. Not only the style of writing [1] but the actual hand was the same in every case. The reader will find a sample in Plate I, which presents the beginning of the description in the Manchester MS. (*The John Rylands Library, Lat.* 12, fly-leaf $d^r$).

Here obviously was evidence that all four manuscripts had at least been present in the same centre in the early part of the eighteenth century. But what was the identity of this centre? The first three manuscripts (*Oxford, Bodleian Library, Add. A.* 173; *London, B.M., Add.* 21914; *London, B.M., Add.* 21917) gave no clue, but the Manchester manuscript, at the end of its description in French,[2] bore the following signature: Dom Victor Perrin Archiviste.[3] I was able to identify the writer of this signature with certainty through the aid of my friend, the distinguished Benedictine scholar, Dom André Wilmart. Dom Victor Perrin, it appears, was born at Plaimbois-du-Miroir, took his vows at Luxeuil 29th July, 1697, and died 30th January, 1740; two of his letters to Dom Calmet, dated 26th September, 1722 and 13th January, 1732, are preserved at the Grand-Séminaire at Nancy.[4] Dom Perrin, moreover, was subprior of Luxeuil, and had made a list of the abbots of Luxeuil from 610 until 1733, a copy of which was kept in the library of Reichenau.[5]

We may be sure, then, that all four manuscripts were present at Luxeuil at the beginning of the eighteenth century. Were they all written there as well? The Oxford MS. probably was not, for, as the Rev. H. M. Bannister remarks, "the absence of S. Benedict should prevent the MS. again being called the Luxeuil Sacramentary."[1] The other three manuscripts are, however, presumably products of Luxeuil[2] and as such are important examples of its script in the ninth and tenth century.

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[1] M. R. James, *A Descriptive Catalogue of the Latin MSS. in the John Rylands Library at Manchester*, I (1921), p. 33, note 1, states that the heading ("Quatrième Manuscrit") in *Manchester, Rylands, Lat.* 12 is similar to that in *Oxford, Bodleian, Add.* 173, but fails to note the similarity in style of writing or the identity of hand.

[2] On the recto of the ninth paper fly-leaf at the front of the MS. = $i^r$.

[3] The ink of the signature is darker than that of the description, but the hand is unmistakably the same.

[4] Jean Godefroy, *Bibliothèque des Bénédictins de la Congrégation de Saint-Vanne et Saint-Hydulphe* (Ligugé: Paris, 1925), p. 158 (*Archives de la France monastique*, vol. XXIX).

[5] R. P. M. Ziegelbauer, *Historia rei litterariae ordinis S. Benedicti*, vol. IV (1754), p. $569^1$, section 1.

I present below descriptions of each of these three MSS.[3]

1. LONDON, BRITISH MUSEUM, ADD. 21914. *Commentary by Smaragdus* [Migne, *P.L.*, cii, 13] *on the Epistles and Gospels for Sundays and holidays, with prefaces and short glossaries.*

175 leaves (numbered 5-179). 5 fly-leaves, a b c d e, at front and four at rear, i j k l, all contemporaneous with binding. 3 older paper fly-leaves, f g h, containing Dom Perrin's description, also at front. Fly-leaves e f g h numbered in pencil 1-4.

Parchment. Vellum originally of fairly good quality, varying from thick to thin. Some holes, cuts, and tears repaired with more recent (white) vellum. Some large brown stains.

Binding of fairly modern rose coloured leather with gold tooling and letters stamped in gold.

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[1] At the beginning of the MS. on inserted foll. $1^b$ and $1^c$ in Sept. 1899: F. Madan, *A Summary Catalogue of Western MSS. in the Bodleian Library at Oxford*, vol. I (1905), correction on p. xxix (where the Oxford MS. is referred to as no. 24761). Bannister regards the MS. as probably a fused Gregorian Sacramentary of the ninth century, and adds "this MS., by having the litany on Apr. 25 instead of the Rogation Days is clearly of Roman origin." For a further description of this MS. see Madan's catalogue, p. 65; *Catalogue of the Extraordinary Collection of Splendid Manuscripts . . . formed by M. Guglielmo Libri . . . which will be sold at auction by Messrs. . . . Sotheby & Wilkinson . . . on Mon., Mar.* 28, 1859 *and seven following days* . . ., p. 203 (No. 891; see plate VII; sold to Stewart for £43); L. Delisle, "Notice sur un Manuscrit de l'Abbaye de Luxeuil Copié en 625," *Notices et Extraits des Manuscrits de la Bibliothèque Nationale et Autres Bibliothèques*, etc., vol. 31 (1886), pp. 149-64. Dom Perrin's description in French begins as follows (on the recto of the third fly-leaf at the front of the book; the part here quoted is all in red ink): Second Manuscrit/ Ou L'on voit L'administration du/ Baptême par Immersion, L'ordination des clercs sous un tître qui leur etoit affecté/ & plusieurs autres prieres, ceremonies &/ regles de la Discipline ancienne de L'Eglise/.

[2] Several other reasons for attributing these three MSS. to Luxeuil appear in the descriptions below.

[3] The descriptions follow in general the system used in Leslie W. Jones, *The Script of Cologne from Hildebald to Hermann* (Cambridge, Mass.: The Mediaeval Academy of America, 1932).

270 × 185. 1 col., 200-224 × 132-145. 35, 34, 33, 30, 32, 28 lines.

Gatherings. Quaternions except for Quires I (binion), III (ternion plus a leaf), XIII and XIV (quinions), XV (binion plus a leaf), XXI and XXII (quinions ; XXII is the last quire in the MS.).

Ruling. All the leaves are ruled at one time from the outside of the gathering. In the quaternions hair-side confronts hair-side. The hair-side is on the outside of all gatherings except I (FH FH), III (FH HF FH), IV (FH HF FH HF), V (FH HF FH HF), and XXI (FH FH FH HF FH). Single vertical ruling lines are placed (7-9 mm. away) at both the left and the right of the lines bounding the text space. Pin pricks for every line of writing occur frequently in the outside margin just outside the vertical ruling line.

Signatures. Q with overline (once with suprascript dot instead) plus numerals (with or without dots before and after the Q and after the numeral), in the centre of the last page of the quire.

Script. Two hands do the bulk of the work : A($5^r$, beginning of MS.-$115^v$) and B($116^r$-$120^v$ ; $137^r$-$179^v$, end of MS.). A third hand, C, supplies $121^r$-$136^v$ and occasionally corrects B. There are systematic corrections by A (for itself) and a later corrector ($K_5$, who appears throughout the MS. and employs ink almost black). Relatively infrequent in appearance are corrections by four other hands ($K_1$ $K_2$ $K_3$ $K_4$) and glosses by eleven hands.

Obviously some folios have been lost at the beginning of the MS., containing (perhaps a title-page and certainly) the beginning of the table of contents. The MS. now begins (fol. $5^r$) with item XXXVI (the numeral itself has been torn off) : abbata apl petr ; fr̄s deponentes omnē malitiam. . . . The last numeral on $5^v$ is LXVIIII, but there must have been two more numerals, now missing because the folio is torn. The last line of $5^v$ goes : epl̄ ad ephēs obsecro uos ne deficiatis .·. Fol. $6^r$ begins with a poem. Obviously one or more folios have been lost after $5^v$.

*Hand A.* A moderately competent minuscule of medium size, usually vertical. The ink ranges from a slightly dark brown to a brown really dark. The letters are moderately broad and not particularly tall. There is a sense of roundness in the script, but angular forms appear from time to time. Word division is observed except in the case of prepositions, which are not separated from their objects. Short-topped minuscule *a* only. *b* occasionally open. Uncial *d* (open) is the common form; minuscule *d* is rare. *e* is probably made in three strokes. *g* is ordinarily vertical, rounded, and open at top and bottom; uncial *g* occurs occasionally. *i* after *l* frequently touches *l* and goes below the line of writing. The lower left-hand part of *x* goes below the line of writing and is sometimes hooked toward the right. *y*, long and undotted, extends below the line. Incidental capitals are uncials. In numerals *l* and alternate *i*'s are tall (xlviii, for example). There are ligatures of *ae* (*e* with a cedilla that is often a closed loop), *ct*, *em*, *en*, *es*, *et*, *ex*,[1] *or* (only near end of line), *ret*, *ro* (end of line only); there is no ligature of *s* and *t*. Words in Greek letters occur occasionally.

*Hand B.* A moderately competent vertical minuscule, much more ample than Hand A. Thicker strokes. Ink of medium brown, similar to that of Hand A. Prepositions are usually not separated from their objects; in other respects there is word division. Short-topped minuscule *a* almost invariably; double-c *a* on fol. 140$^r$. The two strokes of *c* are conspicuous. A short, low, open uncial *d* is the only form regularly used until toward the end of the MS.; ordinary minuscule *d* there becomes quite common. The shoulder of *e* often projects slightly at the left; *e* is made in three strokes. The well-formed, vertical, rounded *g*, open at top and bottom, is not unlike that of Hand A. *h* is short and fat. *i* after *l* frequently touches *l* and goes below the line of writing. *x* either has both strokes above the line or allows the lower left-hand part to go well below the line. The long stroke of *y*, which goes below the line, is unsteady; *y* is sometimes, but not always, dotted. *z* has two forms: one stays well above the line; the entire bottom stroke of the other is below the line. Incidental capitals are uncials. There are ligatures of *ae* (with the closed loop form of cedilla), *ct*, *e* with many letters (*c*, *l*, *m*, *n*, *p*, *r*, *s*, *x*), *et* (both the monogram and the linked forms), *fi*, *or* (only near end of line), *ro* (end of line only), *ti* (rarely) ; there is no ligature of *s* and *t*.

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[1] The *e* ligatures often employ high-backed *e*.

*Hand C*. A fairly competent but somewhat irregular hand of about the same size as Hand A. It slopes slightly toward the right. Tall letters are moderately tall. There is an occasional tendency to club or point tall letters. The ink is light to medium brown. Prepositions are not separated from their objects, nor are conjunctions such as *et*, *in*, *ne*, and *ut* separated from the words which follow them ; otherwise word division is observed. Minuscule *a* with some semblance of a real top is the regular form ; the i-i and double-c forms are rare. *d* is tall, broad, and sometimes open at the bottom ; uncial *d* is rare. *g* is closed at the top and open at the bottom ; the bottom part is occasionally broad. *n* has a sharp shoulder at the left ; semiuncial *N* (with the left vertical stroke prolonged below the line of writing) is rare. *s* goes below the line. *x* appears in the same forms as in Hand B ; in the second form the stroke below the line is sometimes hooked toward the left. It also has an additional form in which the long, curved lower left-hand stroke is not an extension of the upper right-hand stroke but is placed lower. *y* appears either in the form used by Hand A or a smaller dotted form which resembles a bird with wings spread with a curved tail extending slightly below the line. Incidental capitals are a mixture of uncials and square capitals. There are ligatures of *ae* (*e* with cedilla), *ct*, *ec* and *en* (both with high-backed *e*), *et* (the monogram), *nt*, *or* (in *-orum*), and *st* (at first the ligature is avoided, but beginning with the bottom of fol. 121$^r$ it is quite regular).

Abbreviations. *Hand A* uses a reasonably large variety and uses them fairly often. Aside from the usual forms of *nomina sacra* and capricious compendia the following deserve mention :[1] the stroke over a letter for *m ;* a*u* a*ut* autem ; dic dicit ; d*r* dicitur ; ei plus semicolon eius ; *e* ÷ est ; *ee* esse ; fec fecit ; *m*s mens (probably capricious) ; no*m* nomen ; *n* non ; no*b* nobis ; n*r*a, etc., nostra, etc. ; o*m*s o*m*is o*m*i o*m*ib plus semicolon omnes, omnis, etc. ; p' post ; *p* with horizontal stroke through shaft per ; *p* prae ; the usual pro compendium (not always used) ;

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[1] Letters over which or through which the abbreviation stroke is drawn are here italicized.

*q* with sinuous stroke across shaft quam ; q with semicolon or with horizontal stroke through shaft que ; q*m* quoniam ; q*d* quod ; scd*m* secundum ; s, (the " comma " is very large) sed ; s*t* sunt ; *l* or · *l* · vel ; u$^{o}$ vero ; u*r*i vestri ; uo*b* vobis ; *b* bis (mutabis) ; b plus semicolon bus ; *c* con ; *t* ter ; t with flag-like symbol [1] or t' tur ; [2] r with transverse stroke rum ; the suprascript apostrophe for us (temp').

In the case of *Hand B* the following are worth noting (the usual forms of *nomina sacra* and capricious compendia are omitted) : the stroke over a letter for m ; a*u* autem ; dile*x* dilexit ; di*x* dixit ; d*r* dicitur ; ei plus semicolon eius ; *e* · e · and ÷ (with sinuous stroke) est ; *ee* and · *ee* · esse ; no*b* nobis ; *n* or *N* non ; n*r* n*r*a, etc., noster, nostra, etc. ; o*ms* o*ma*, etc., omnes, omnia, etc. ; the usual per symbol ; *p* prae, pre ; the usual pro symbol except that the transverse stroke is carried rather far to the left and is " dotted " at the end ; q with transverse horizontal stroke or with semicolon que (even in quem) ; q with adjacent caret open toward right quia ; q*d* quod ; s, sed ; r with transverse stroke rum ; u*l* or *l* vel ; u*r*, etc., vester, etc. ; uo*b* vobis ; b plus semicolon bus ; *c* con ; *m* men (tamen) ; m' mus ; t' tur.

*Hand C*. Again capricious compendia and *nomina sacra* are omitted. The abbreviation stroke is often vertical, resembling an undotted *i*. The stroke over a letter for m ; a*u*t autem ; dic dicit ; *e* (on fol. 123$^{r}$ and elsewhere the stroke is vertical) and ÷ (with sinuous stroke) est ; *ee* esse ; no*b* nobis ; *N* or *n* non ; n*r*a nostra ; the usual per symbol ; *p* prae ; the usual pro symbol ; q*d* quod ; q with colon or with transverse horizontal stroke que ; *q* quae ; q$^{i}$ qui(rare) ; r*l* reliqua ; uo*b* vobis ; u*r*a vestra ; *m* men (tamen) ; m' (the apostrophe is often like a semicircle) mus ; r with transverse stroke rum ; *t* ter ; t$^{2}$ (the base of the 2 is often greatly prolonged) tur.

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[1] It resembles a reversed quarter rest in music. It has been changed to an elongated 2 by a later hand.

[2] The t' symbol for tur in Hands A and B is presumably due to Insular influence in view of the date (s.x.). This MS. should be listed with others of the same type now described on p. 63 of Doris Bains, *A Supplement to Notae Latinae* (Cambridge University Press, 1936).

Punctuation. *Hand A.* A dot on or near the line for quarter, half, or full stop. (Three dots in pyramidal form before and after uncial sub-headings.) Later unsystematic changes to ./ for the half stop and ; for the full stop. The question mark (2) is probably late. *Hand B.* A dot at or near the middle of a letter for all stops. Full stops are in some cases later changed to ·,· and ;. The question mark (dot plus a curved upward flourish) is by *m.* 1. Sometimes the three pyramidal dots appear as in Hand A. *Hand C.* A dot at the middle of a letter for all stops and a question mark similar to Hand B's. A later hand changes half stops to ./ or .$^{2}$ and full stops to the semicolon. .·. or .; or the like sometimes before subheadings.

Illumination. *Hand A.* Titles in poorly made red square capitals (with uncial *e*), one or two lines high. Sub-titles in impure red uncials (N and *n*), followed by an initial (ink colour, orange-brown, or red), usually two to four lines high, with several letters of the text frequently written in it. *Hand B.* Similar to A, with the uncials sometimes better and sometimes worse ;[1] the initials are usually ink colour. *Hand C.* Similar to A, with very impure uncials[1] (which often lapse into rustic capital forms, as on fols. 132$^{v}$-136$^{r}$). The initials often have dots within them. An *X* on fol. 136$^{r}$ is ornamented in green, as are several of the red impure uncials of a sub-heading on fol. 135$^{v}$. At the top of 132$^{v}$ are five alternating lines of red and brown mixed majuscules. Cf. 133$^{v}$ and 134$^{r}$ also for this usage.

Pasted in the centre of fly-leaf e$^{r}$ is a piece of paper (40 × 140 mm.), probably antedating the present binding. It reads : 5 M./ 9. S. (that is, " Cinquième Manuscrit, 9$^{e}$ Siècle " ; see *London, B.M., Add.* 21917, fly-leaf e$^{r}$, for a label of exactly the same sort.

Fol. 71$^{r}$ ends *resur* and fol. 71$^{v}$ begins *rectione*(*m*), thus dividing a word between two pages.

Formerly No. 2 of Baron Marguery's collection. On fly-leaf d$^{r}$ : " Purchased of Boone 14 March 1857 (Sale at Paris 27-28 Feb. Lot 2.)."

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[1] Occasionally brown.

Date. s.x. So Delisle, *Notice*, etc., p. 163; and *Catalogue of Additions to the MSS. in the British Museum in the Years* MDCCCLIV-MDCCCLX (1875), p. 557.

Plate II (fol. 136r : Hand C).

2. LONDON, BRITISH MUSEUM, ADD. 21917. *Vitae Sanctorum auctore Adsone abbate* (with a short history of the abbey of Lure to the year 990, after the life of St. Deicolus, fol. 57).

263 leaves (numbered 6-268 in pencil).[1] The arrangement of the fly-leaves is almost identical with that in *London, B.M., Add.* 21914: 5, a b c d e, at front and 4 at rear, j k l m, are contemporaneous with binding; 4 older paper fly-leaves, f g h i, the last three containing Dom Perrin's description, are also at front; fly-leaves e f g h i are numbered 1-5 in pencil.

Parchment. Vellum of exactly the same quality and condition as in *London, B.M., Add.* 21914 and repaired in the same way.[2]

Binding. Identical with that of *London, B.M., Add.* 21914.

247 × 166. 1 col., 200 (190-193: fols. 42-267) × 112-120. 38-40 lines (fols. 6-41); 28, 29, 37, 34, 30, 31 lines (fols. 42-267); apparently the number varies with the hands.

Gatherings. Quaternions except for Quires II and III (ternions), XII (quinion), XIII (ternion), XVIII and XXIII (quinions), XXIX and XXXIII (binions) and XXXV (an incomplete quinion at the end of the MS.).

Ruling. One double leaf at a time on the hair-side. Hair-side confronts hair-side. The hair-side is on the outside of all quaternions and all other gatherings except II, III, XXXIII, and XXXIV. Single vertical ruling lines are placed (6-7 mm. away) at the left and the right of the lines bounding the text space. Two parallel lines bound the text at top and at bottom. Pin pricks for every line of writing occur occasionally on the extreme outer edge of the leaves.

Signatures. None.

Script. Seven major (A, B, C, E, F, G, H) and five (D, I, J, K, L) minor hands. The distribution of the labour is as

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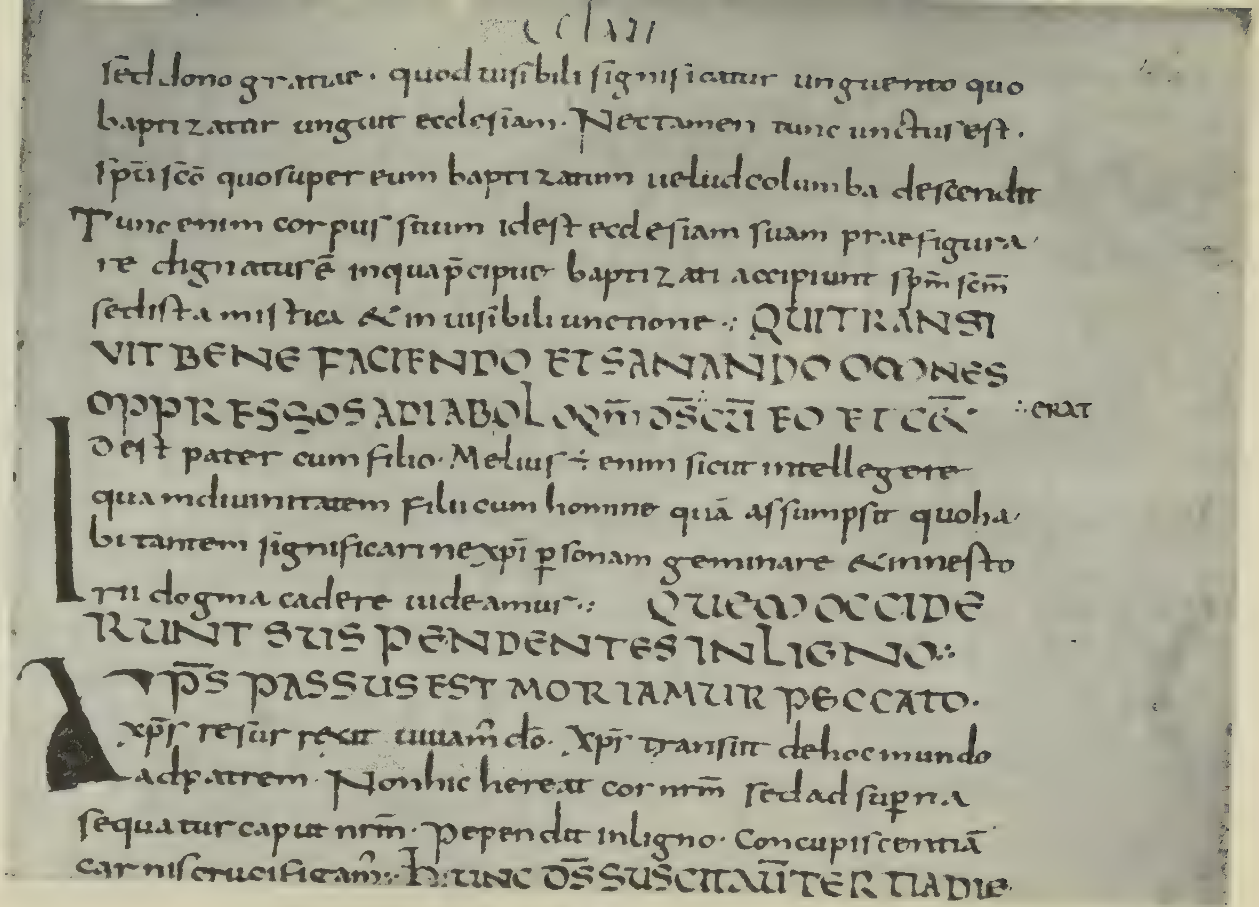
[1] Also numbered at top in ink: I to CCLXI; XXXII is repeated twice and fol. 263 unnumbered.

[2] Fol. 6 brown, worn, and spotted, two-thirds of fol. 268 missing.



cclxii

ſed dono gratiae · quod uiſibili ſignificatur unguento quo
baptizatur unguit eccleſiam. Nectamen tunc unctus eſt.
ſpū ſcō quo ſuper eum baptizatum uelud columba deſcendit
Tunc enim corpus ſuum id eſt eccleſiam ſuam praefigura
re dignatus ē in qua p̄cipue baptizati accipiunt ſpm̄ ſcm̄
ſed iſta miſtica & inuiſibili unctione :: QUI TRANSI
VIT BENE FACIENDO ET SANANDO OMNES
OPPRESSOS A DIABOL QNM̄ DS̄ CŪ EO ET CĒ· :erat
Id eſt pater cum filio. Melius ē enim ſicut intellegere
quam in diuinitatem filii cum homine quā aſſumpſit quo ha
bitaret ſignificari ne xpi p̄ſonam geminare & in neſto
rii dogma cadere uideamur :: QUEM OCCIDE
RUNT SUSPENDENTES IN LIGNO:
XP̄S PASSUS EST MORIAMUR PECCATO.
xp̄s reſurrexit uiuam̄ dō. Xp̄s tranſiit de hoc mundo
ad patrem. Non hic hereat cor nr̄m ſed ad ſupna
ſequatur caput nr̄m. Pependit in ligno. Concupiſcentiā
carnis crucificam̄ :: HUNC DS̄ SUSCITAUIT TERTIA DIE.

PLATE II. LONDON, B.M., ADD. 21914, FOL. 136r

follows: A: $6^{r}$-$41^{v}$; $146^{r}$-$153^{v}$. B: $42^{r}$-$71^{v}$; $83^{v}$-$89^{v}$; $95^{v}$-$135^{v}$; $188^{r}$-$201^{r}$, line 22; $204^{v}$, line 10-bottom; $231^{v}$-$265^{v}$, line 25; $266^{r}$-$266^{v}$. C: $72^{r}$-$83^{r}$; $90^{r}$, line 5-$95^{r}$; $202^{r}$, line 7-$204^{v}$, line 9; $205^{r}$-$229^{v}$. D: $90^{r}$, lines 1-4. E: $136^{r}$-$145^{v}$. F: $154^{r}$-$161^{v}$. G: $162^{r}$-$169^{v}$. H: $170^{r}$-$187^{v}$. I: $201^{r}$-$202^{r}$, line 6.[1] J: $230^{r}$-$231^{r}$. K: $265^{v}$, last 4 lines; $267^{r}$-$267^{v}$. L: $268^{r}$.[2] No thoroughgoing corrections,[3] especially in last half of MS. Interlinear scholia in a fine small hand (of *s.* x?) on foll. $51^{r}$, lower half, and $63^{r}$, top. Some late marginal scholia (*s.* xvi?) with hands pointing to passages in the text. No scholia in last half of MS. Part of the MS. has been lost at the front. The text, containing the last part of the life of St. Columban, now begins ($6^{r}$): "fuerit prudens lector vel auditor agnoscit."

The writing of all the hands is fairly regular and vertical. The letters generally tend to be angular and squarish, though they are rounder in some hands (B, for example) than in others. The so-called "tall" letters (b, d, h, etc.) are rather short; they tend to be sharp at the end and to have finials which are sometimes definitely bifurcated. Word division is observed even in the case of prepositions. Open u-shaped *a* appears occasionally in Hand G ($163^{r}$, $164^{v}$, etc.), but in no other hand. Minuscule and uncial *d* are used in all the hands. The top of *g* is usually open, the bottom closed. *i* subscript appears occasionally after *t* and rarely after *e*. In Hand C the right hand vertical stroke of *m* is sometimes prolonged at the end of a line. *p* and *q* (and other "tall" letters) are quite short in Hand G. *s* has both the early minuscule form and the s-form; the latter is regularly reserved for the end of a word or the end of a line and is sometimes suprascript in somewhat abbreviated form.[4] *r* occasionally appears as R at the end of the line in Hand B. *u* and *v* are interchangeable. Crossed *v*s appear for *w*. *x* is small and normally does not go below the line of writing. *y* is used with and without the dot. *z* is exceptionally tall, though it does not go below the line. There are ligatures of *ae* (the monogram or the cedilla in various forms), *ct* (never in Hand E; rare in G and I), *et* (usually; the monogram), *ex* (Hands A and G), *or*, *ns* (usually at the end of a line), *nt*, and *st*. Incidental initials, nearly always rubricated, are of the rustic capital type, though some of the letters (A, E, N, S) are sometimes of minuscule, uncial, or square capital style.

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[1] Last six lines of $201^{r}$ by another hand, possibly C (?).

[2] *Probationes* on $268^{v}$; then 3 lines in another hand.

[3] Hand A writes letters or words omitted above the line of text.

[4] The suprascript form is often not much more than a reversed comma (‘). Cf. the ordinary comma for suprascript *s* in Hand B, even at the end of a word in the middle of the line.

Abbreviations. Common. Aside from capricious compendia and the stroke over a letter for *m* the following are regularly used.[1] ap*l*s apostolus; a*u* au*t* autem; ecc*l*ia ecclesia; ep*l*a epistula; $g^{o}$ ergo; *ee* esse; *e*ent essent; *e*et eet *e&*t esset; *e* est; 7 et; g*l*a gloria; g*r*a gratia; isr*l* Israhel; k*l* Kalendae; m*s* meus; $m^{1}$ mihi; mia*m* misericordiam; *n* non; n*r*, etc., noster; o*ms*, etc., omnes; om*i*no omnino (Hands A, G); p with cross-stroke = per; pp*l*s populus; p' post; $p^{u}$ pra; *p* prae (sometimes pre); p*b*r presbyter; the usual sign for pro; $q^{u}$ qua; q plus semicolon or comma = que; $q^{1}$ qui; q plus a sort of 2-sign = quia; qi*d* quid (end of line, A); $q^{o}$ quo; q*d* quod; q*m* quoniam; sc*l*i, etc., saeculi; sc*d*m secundum; s*d* sed; sic sicut; *s* sunt; $t^{1}$ tibi; t*c* tunc; u*l* *l* vel; $u^{o}$ vero; u*r*, etc., vester; uo*b* vobis; *b* ber; c con; *m* mem (*m*bris, A); *m*.men; $m^{2}$ mur (the base of the 2 is long); r plus transverse stroke for rum; *r* r*t* runt; *t* ter; $t^{2}$ tur (the 2, with very long base, takes many forms); the apostrophe = us (bus,[2] cuius, cus, eius, huius, maius, mus, nus, pus, rus, sus, tus). Only the following *nomina sacra* are worth noting: i*h*c x*p*c scs s*p*c (Hand A; a rubricated apostrophe is used for the abbreviation stroke [3]); i*H*c and x*p*c (Hand C, sometimes; with apostrophe); i*H*c (Hand E) and e*p*c (Hand L), both with apostrophe.

Punctuation. The system seems to be the dot at the middle of a letter or ./ (always used by B, C, D, E, K, and L and sometimes used by F, G, and H) for the half stop and the dot at the top [1] of a letter for the full stop. The question mark is regular (.2) with the base of the 2 elongated.[2]

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[1] Letters over which or through which the abbreviation stroke is drawn are here italicized.

[2] b plus semicolon = bus in Hands J and K.

[3] Cf. this same apostrophe (not rubricated) in om*p*s. The rubricated (or unrubricated) apostrophe is not consistently used for these *nomina sacra* or for others.

Illumination. The work is in general ornate and effective. One artist is responsible for all the most elaborate large initials. *Explicits* are regularly written in small rustic capitals of red or of brown rubricated. *Incipits* and titles are generally of the following types: (1) ornate, with several lines in red majuscules fitted around an elaborate red [3] initial six to eleven lines high (or a simple red initial two or three lines high) with the first line of the text in alternating rubricated brown and plain red majuscules and the second line of the text in small rubricated brown rustic capitals; (2) simple, with one or more lines of small red rustic capitals,[4] a small red or brown initial,[5] and the first line of the text in small brown rustic capitals (sometimes rubricated); [6] and (3) plain, with a line of small red minuscules, a red initial, and the first line of the text in rustic capitals (plain red, or brown rubricated), minuscules (red or brown), or red square capitals and then red minuscules. Small leaf ($199^r$) or vine ($194^r$) or other ornaments are common.

Pasted on fol. $e^r$ is a piece of paper of the same style, size, and age as that on fol. $e^r$ of *London, B.M., Add.* 21914; it bears the following inscription in the same hand: 11.M./10.S (that is, "Onzième Manuscrit, Dixième Siecle.").

At the bottom of fol. $71^v$ are two lines in cipher; the following solution is written underneath in pencil: Haec Stephanus scripsit per precepta Archimberti magistri sui. Deo gratias Amen.

On fol. $268^v$ in a late hand (*s.* xvi?): Iste liber pertinet mon*asterio* sancti petri *de* Luxovio.

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[1] In C, E, and L at the top or middle. In G a dot at the middle is used for both stops.

[2] G uses fanciful forms of the 2.

[3] In the *incipit* on $231^v$ the large initial *T* is brown, ornamented with light and dark red, and green; green is added to every letter in the title and first two lines of text. The large initial *Q* on $144^v$ is similarly coloured. The initial *P* on $202^v$ is brown with light and dark red colouring.

[4] Or brown rustic capitals rubricated: $262^r$, etc.

[5] Sometimes ornamented with supraposed dots, as in the *Q* on $51^r$.

[6] $262^r$. On $153^r$ majuscules of alternating rubricated brown and plain red.

Formerly No. 16 of Baron Marguery's collection. On fly-leaf d$^r$: "Purchased of Mess. Boone 14 March 1857 (from a sale at Paris, Lot 16)."

Date. Early *s.* xi. Delisle, *Notice sur un MS. de l'Abbaye de Luxeuil* . . ., p. 163: XI$^e$ siècle. *Catalogue of Additions to the MSS. in the Brit. Mus. in the Years* MDCCCLIV-MDCCCLX (1875), p. 557: late x$^{th}$ cent.

Plate III (fol. 104$^v$: Hand B = Stephanus).

3. MANCHESTER, THE JOHN RYLANDS LIBRARY, LAT. 12. *Homilies on the Gospels appointed for the several saints' days of the year.*

143 leaves. Fly-leaves: 3 (a, b, c) of modern vellum, 6 (d, e, f, g, h, i) of fairly old paper (containing Dom Perrin's description) and one more (j) of modern vellum at front; 3 of modern vellum (k, l, m) at rear.

Parchment. Vellum of the same quality and condition as in *London, B.M., Add.* 21914 and 21917 and repaired in the same way.[1]

Binding. Fine, relatively new brown leather over boards. Ornamental tooling (now dark brown) on covers; gold borders stamped inside covers. Titles stamped in gold.

297 × 208. 1 col.[2] 223 × 149-156.[3] 29 lines (but 27-30 on fols. 1$^r$-5$^v$ and 36 on 6$^r$-9$^v$).[4]

Gatherings. Quaternions except for Quires I (quaternion plus one leaf) and VI (ternion). The last four leaves of Quire I (1 2 3 4/5 6 7 8 9) are of a totally different vellum with later script (*s.* x-xii) and have obviously been added later; they are pasted to the tab ends of the other folios.[5] The first five leaves of Quire I, though written at about the same time as the main

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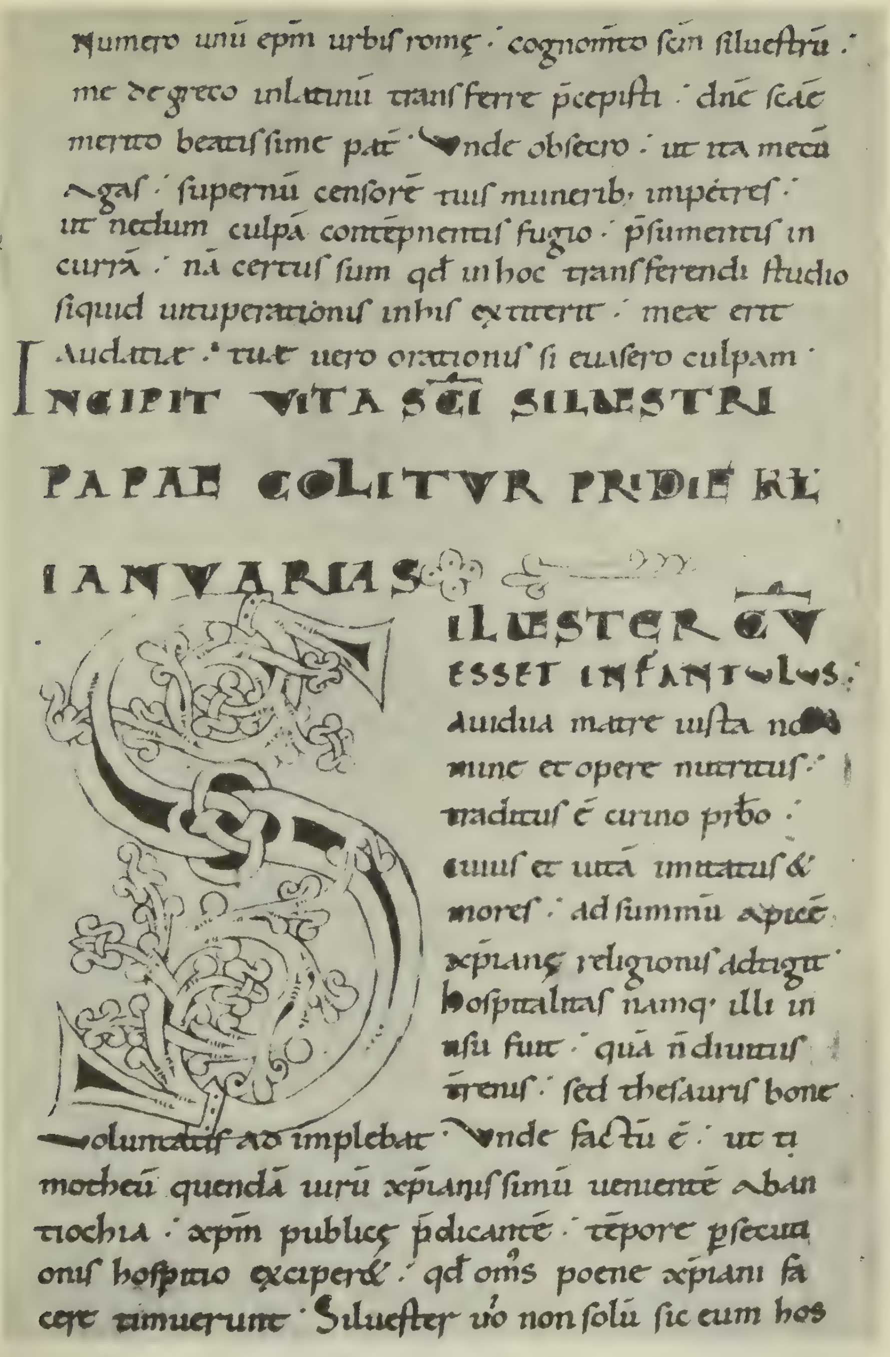
[1] Cf. fols. 1 and 143, e.g.

[2] 2 cols. for the table of contents on 10$^r$.

[3] Fols. 1$^r$-5$^v$: 235-237 × 142. Fols. 6$^r$-9$^v$: 212 × 165.

[4] M. R. James, *A Descriptive Catalogue of the Latin MSS. in the John Rylands Library at Manchester*, I (1921), p. 33, is hardly correct in saying "27 lines to a page." Full information must be given. James' catalogue is faulty in other respects; see below.

[5] The binding is too tight at this point to allow one to determine the exact arrangement. James' catalogue is silent here.



Numero unū epm̄ urbiſ romę · cognomīto ſc̄m ſilueſtrū ·
me de greco in latinū tranſferre p̄cepiſti · dn̄e ſc̄ae
merito beatiſſime pat̄ · Unde obſecro · ut ita mecū
agaſ · ſupernū cenſorē tuiſ munerib; impetreſ ·
ut nedum culpā contēpnentiſ fugio · p̄ſumentiſ in
currā · nā certuſ ſum qđ in hoc tranſferendi ſtudio
ſiquid uituperationiſ in hiſ extiterit · meae erit
audaciae · tuae uero orationiſ ſi euaſero culpam ·

INCIPIT VITA SC̄I SILUESTRI
PAPAE COLITUR PRIDIE KL
IANUARIAS

SILUESTER CUM
ESSET INFANTULUS ·
a uidua matre iuſta no
mine et opere nutritus ·
traditus ē carino p̄bo ·
cuiuſ et uitā imitatuſ &
moreſ · ad ſummū apicē
xp̄ianę religioniſ adtigit ·
hoſpitalitaſ namq; illi in
uſu fuit · quā n̄ diuitiiſ
īrenſ · ſed theſauriſ bone
uoluntatiſ adimplebat · Unde factū ē · ut ti
motheū quendā uirū xp̄ianiſſimū uenientē ab an
tiochia · xp̄m publicę p̄dicantē · tēpore p̄ſecuti
oniſ hoſpitio exciperet · qđ om̄s poene xp̄iani fa
cere timuerunt · Silueſter u̇o non ſolū ſic eum hos

Plate III.—London, B.M., Add. 21917, Fol. 104 (Hand B—Stephanus.)

body of the MS., have also probably been added slightly later, since the table of contents does not appear until fol. $10^r$.

Ruling. Apparently one leaf at a time on the hair-side.[1] The hair-side is on the outside of the gathering. Hair-side confronts hair-side.[2] Single vertical ruling lines (7 mm. away from the text) are placed at the left and the right of the lines which bound the text. Pin pricks for every line of the text sometimes show a little inside the outer edge.

Signatures. On lower left-hand corner of recto of *first* leaf of Quire II ($10^r$): q ii (the ii overlined) or the like,[3] in yellowish brown ink; in the same position in Quire III ($18^r$) are some strokes hard to decipher (perhaps iii ?);[4] otherwise there are no signatures.

Script. Hand A writes $1^r$-$5^v$, line 14; J writes $10^r$ only;[5] K is responsible for $10^v$-$21^r$ and $22^r$-$143^v$; L for $21^v$ only. The following hands are late and will not be discussed below: B ($5^v$, lines 16-25, *s.* xi ?), C ($5^v$, lines 26-28, *s.* xii ?), D ($6^r$-$6^v$, *s.* x ?), E ($7^r$-$7^v$, *s.* xi ?), F ($8^r$, lines 1-6, *s.* xi ?), G ($8^r$, lines 7-10, *s.* xi ?), H ($8^r$, lines 11-18), I ($8^r$, line 19-$9^v$). There are a few scholia, corrections,[6] and *probationes* of no special importance. The marginal numerals denoting sections of the text are probably later additions.

The script is broad, ample, vertical,[7] and fairly competent with well-formed, reasonably even letters.[8] There is a slight tendency to thicken tall letters. Ordinary minuscule *a*[9] and double-c *a*[10] occur, the latter less commonly. The tip of *b* occasionally curves toward the left. *e* (in three strokes) is open at the left shoulder in Hand A. *g* is open at the bottom in all hands, but closed (or nearly closed) at the top in J, K, and L. Minuscule *n* is commoner than semiuncial ɴ. *r* is broad.[1] Omitted *u* supplied above the line of text in Hand K takes the v-form. The lower left-hand stroke of *x* usually curves far below the line. *y* is moderately long,[2] dotted or undotted. The base of *z* rests on the line. There are ligatures of *ae* (the monogram and the cedilla), *en*, *et*, *li* (*i* subscript), *nt*, *or*, *rt*, *st*,[3] and once (at the end of a line in K) *unt*. Incidental initials are of the uncial type,[4] generally brown[5] (rubricated in K). A Greek word appears on fol. 69$^v$.

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[1] $3^v$ and $4^r$ (flesh-sides) are ruled. The rulings on 1 and 2 cannot be made out.

[2] Except that fol. $5^v$ (flesh) confronts $6^r$ (hair).

[3] Hard to make out. Some symbol follows the ii.

[4] iiii (?) is *scratched* on the lower right-hand corner of $26^r$.

[5] There are at least six late hands responsible for additions in the lower half of the second column of $10^r$ and other late hands responsible for minor additions elsewhere.

[6] Hand K (or one like K) corrects the text and titles (in dark ink).

[7] A slight slope right in L.

[8] Fairly tall letters in J.

[9] Sometimes open at the top in Hand A.

[10] Not in A. Broad-topped *a* appears on $138^r$ (K).

Abbreviations. Restricted. Aside from the stroke over a letter for *m*, capricious compendia, and the ordinary forms for *nomina sacra* the following are to be noted:[6] a*u*t autem; dic dicit; di*x* dixit; *ee* esse; *e* and ÷ (with wavy line) est; no*b* nobis; *n* and ɴ non; n*r*a etc., nostra; o*m*s omnes; the usual per sign; *p* prae; the usual pro sign; q plus semicolon (or comma, A) que; q*d* quod; q*m* quoniam; re*l*q reliqua; sc*d* secundum; *s* and *s*t (rare)[7] sunt; b plus semicolon bus; *m* men (a*m*); *r* runt; *t* ter; t$^7$ tur.

Punctuation. The half stop[8] is represented by ./ (or, occasionally, by the dot at the middle of a letter); the full stop by the semicolon;[9] the question mark by .$^9$ (i.e., the dot plus the figure 2).

Illumination. The most elaborate title appears fittingly at the top of 10$^v$ (just after the table of contents on 10$^r$): one line of large, ornamental square capitals in red, a line of smaller brown uncials, then a line of red uncials and a third of a line of brown uncials, followed immediately by four and a half lines of text in minuscules and then by a subtitle consisting of one line of red uncials preceded by a rather crude plaited initial of rubricated brown (7 lines high). In general, titles are

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[1] High-backed *r* occurs before *e* in Hand L.

[2] Short in A.

[3] Not always a ligature in A.

[4] Not pure in A.

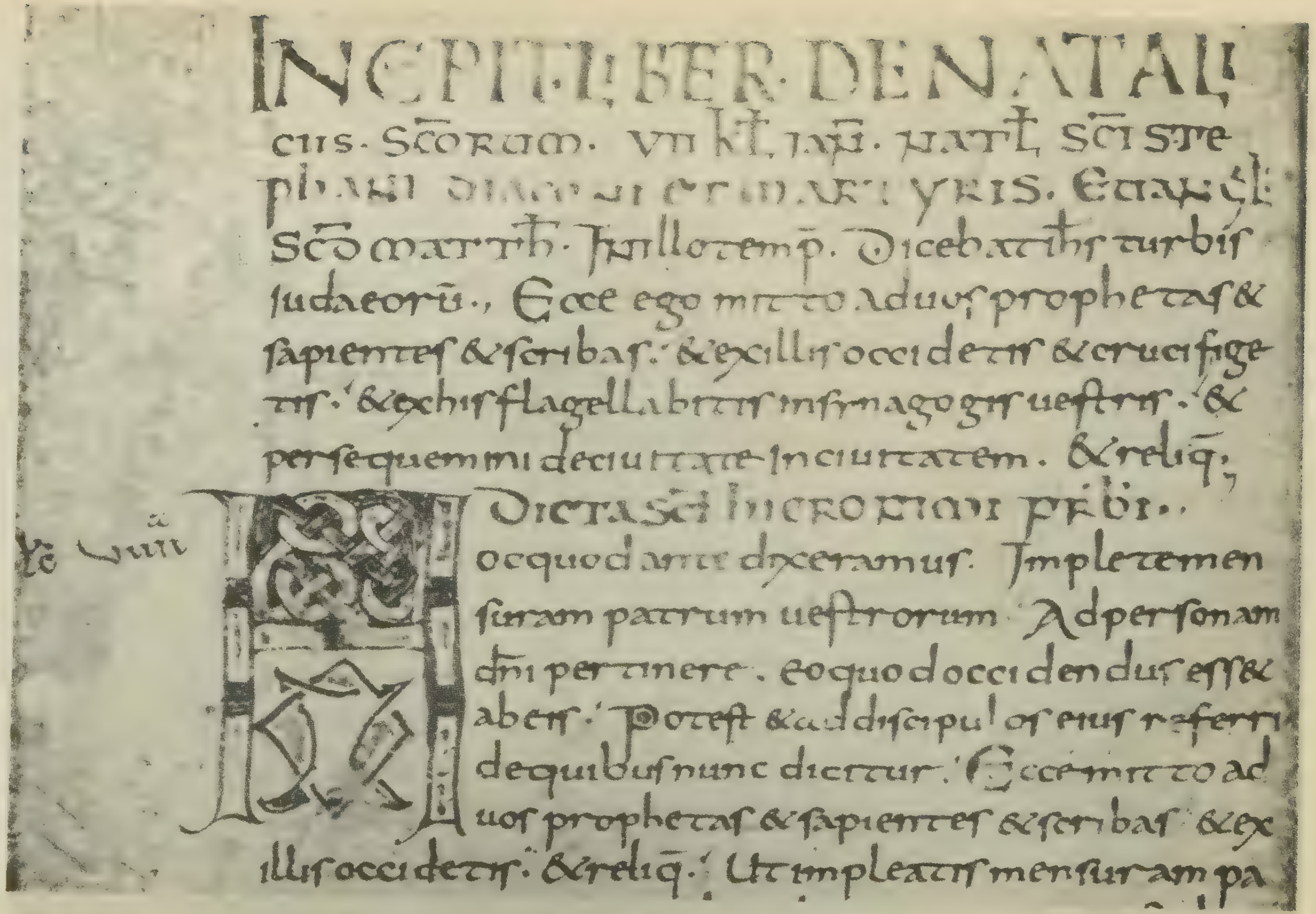
[5] Sometimes red in K.

[6] As above, letters over which or through which the abbreviation stroke passes are represented here by italics.

[7] The abbreviation stroke is omitted once in A: st.

[8] /. or ./ in L.

[9] It takes various forms: ,.; ., etc.



INCIPIT LIBER DE NATALI
cius. scorum. vii kl. ian. natl. sci ste
phani diaconi et martyris. Euangl
sco matth. In illo temp. Dicebat ihs turbis
iudaeorum., Ecce ego mitto ad uos prophetas &
sapientes & scribas. & ex illis occidetis & crucifige
tis. & ex his flagellabitis in synagogis uestris. &
persequemini de ciuitate in ciuitatem. & reliq.,
Dicta sci hieronimi prbi..
Hoc quod ante dixeramus. Implete men
suram patrum uestrorum. Ad personam
dni pertinere. eo quo d occidendus esset
ab eis. Potest & ad discipulos eius referri
de quibus nunc dicitur. Ecce mitto ad
uos prophetas & sapientes & scribas. & ex
illis occidetis. & reliq. Ut impleatis mensuram pa

Plate IV. Manchester, The John Rylands Library, Lat. 12, Fol. 10v, top. Hand K.

simpler :[1] they contain one or more lines of small uncials in red or brown followed by a fairly simple initial (2-6 lines high) of the same colour as the uncials.

On fol. $10^{r}$, col. 2, sandwiched in between two of the several later additions here, appear the following lines (s. xi ?) :

> Has litteras in lapidibus scultas
> ita invenimus extra positis
> Luxouio et BRIXIÆ . G . IVL .
> FIRMAR . IVS . V . S . L . M.

On this inscription see the remarks by Dom Perrin (fly-leaves d-i) and by M. R. James (*A Descriptive Catalogue*, etc., I, pp. 33-37) ; the Romans lived at both Luxeuil and St. Bresson (Brixia). The four lines seem to point to the provenience of our MS. from Luxeuil.

Formerly no. 495 in Libri's London sale of 1859 (*Catalogue of the extraordinary collection*, etc., p. 106 ; facsimiles in plates V and XIII. See Delisle, *Notice*, etc., p. 162.

Formerly K/3 in the Bibliotheca Lindesiana.

Date. s. ix. (Delisle, *loc. cit. :* " probablement du IX$^{e}$ siècle." Dom Perrin : " du $9^{e}$ ou du $8^{e}$ siècle." James, *loc. cit. ;* " cent. viii-x.")

Plate IV (fol. $10^{v}$, top : Hand K). See also the facsimiles in the catalogues of Libri (mentioned above) and of James (vol. II, Plate 33 = fol. $10^{r}$, and Plate 34 = fol. $10^{v}$).

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[1] Hand A has a title ($1^{r}$) with one line of red uncials and one of brown uncials preceded by a plain brown initial (3 lines high) ; just below is a brown initial *D* surrounded on the outside by dots. Hand A has an *explicit* ($5^{v}$, line 12) in brown rustic capitals.

# ST. PAUL IN EPHESUS.[1]

## THE DATE OF THE EPISTLE TO THE PHILIPPIANS.

By T. W. MANSON, D.Litt., D.D.

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IN this paper I propose to discuss a single problem—that of the date of the Epistle to the Philippians. The traditional view is that the letter was written from Rome at some point in the period of two years during which Paul was awaiting trial there. In recent years this view has been seriously challenged by rival theories which would put the composition either during Paul's imprisonment at Caesarea (Acts xxiii-xxvi) or during a hypothetical imprisonment at Ephesus. The Caesarean theory seems to me to be open to fatal objections, so that the real issue is between Rome and Ephesus : it is that issue that I wish to consider.

So long as the traditional view held the field, it determined the exegesis of the Epistle. We knew from Acts that the Apostle was a prisoner in Rome, whither he had been sent by the Procurator of Judaea, Festus, after he had demanded to be tried in the Emperor's court (Acts xxv, 9-12). It is true that King Agrippa had expressed the opinion to Festus that, but for his appeal, Paul might well have been released there and then (Acts xxvi, 30-32). Nevertheless the appeal had been made, and a trial in Rome under Nero might well be only less perilous than an acquittal and release in Judaea. On any day during the Roman period Paul might be summoned to appear before a tribunal which had the power of life and death, and from whose sentence there was no appeal. On that background all the allusions in the letter had to be understood: references to bonds were obviously references to actual imprisonment which the apostle was undergoing at the time of writing; allusions to death must refer to the possibility of condemnation by the Imperial Court.

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[1] A lecture delivered in the John Rylands Library on the 11th of January, 1939.

Even when the place of composition was fixed at Ephesus instead of Rome, these presuppositions continued to dominate the interpretation of the text, and the upholders of the Ephesian hypothesis believed themselves compelled to posit an Ephesian imprisonment of the writer along with the Ephesian composition of the letter. But the evidence for an Ephesian imprisonment of Paul—apart from the internal evidence of Philippians itself—is so weak as to be negligible. The reference to fighting with wild beasts at Ephesus (I Cor. xv, 30-32) cannot be taken in any but a metaphorical sense without raising the most serious difficulties. Nor is the case any better with the allusions in Rom. xvi. There (*vv.* 3 f.) mention is made of Prisca and Aquila who had risked their necks when Paul was in danger of his life. This can hardly refer to an imprisonment on a capital charge. If Paul were in such a case, it is hard to see how his friends, by risking their necks, could protect his: the most they could do would be to share his fate, whatever it might be. Again in *v.* 7 Andronicus and Junias are called by Paul his 'fellow-prisoners'; but we do not know whether this is literally or metaphorically meant; and even if it is literally meant, we have nothing to show that Paul, Andronicus, Junias (and perhaps Prisca and Aquila too?) had all been in gaol together at Ephesus. We cannot allow much weight, if any, to the testimony of the Marcionite Prologue to Colossians, still less to the existence of a so-called *φυλακὴ Παύλου* at Ephesus. Acts knows nothing of an Ephesian imprisonment. In fact if it were not that we start with a preconceived idea that Philippians must have been written from prison, we should have little inducement to believe in an Ephesian imprisonment at all.

That leads to the first question for discussion: if the Roman origin of Philippians is given up, is there anything in the letter itself to compel the conclusion that it was written from prison?

Repeated readings of the letter itself confirm me in the opinion that not only is there nothing in the letter to compel us to think that the writer was a prisoner, but also that there are several facts that seem to point in the opposite direction. Let us begin by examining the references to ' bonds ' and suffering for the Gospel.

The first is Phil. i, 7. καθώς ἐστι δίκαιον ἐμοὶ τοῦτο φρονεῖν ὑπὲρ πάντων ὑμῶν, διὰ τὸ ἔχειν με ἐν τῇ καρδίᾳ ὑμᾶς, ἔν τε τοῖς δεσμοῖς μου καὶ ἐν τῇ ἀπολογίᾳ καὶ βεβαιώσει τοῦ εὐαγγελίου συγκοινωνούς μου τῆς χάριτος πάντας ὑμᾶς ὄντας. The intimate union between Paul and the Philippian Christians has found expression in the way in which they have shared in his χάρις.[1] Χάρις here must be given the same meaning as in Rom. i, 5 ; xii, 3, 6 ; xv, 15 ; I Cor. iii, 10 ; Gal. ii, 9 ; Eph. iii, 2, 7, 8. It is the privilege of suffering for, defending, and establishing the Gospel. In this apostolic task the Philippians have taken their share from the beginning until now. Consequently when Paul speaks of his bonds and the successful defence of the Gospel, he must mean all experiences of that kind from his first day in Philippi to the time of writing ; and there is no reason why we should suppose that the phrase ἔν τε τοῖς δεσμοῖς μου refers specially to an imprisonment in Ephesus.

Phil. ii, 17 f. must, I think, be understood also in a general way. There, after exhorting them to live in such a way as to bring credit on his apostleship he goes on : ἀλλ' εἰ καὶ σπένδομαι ἐπὶ τῇ θυσίᾳ καὶ λειτουργίᾳ τῆς πίστεως ὑμῶν, χαίρω καὶ συγχαίρω πᾶσιν ὑμῖν· τὸ δ' αὐτὸ καὶ ὑμεῖς χαίρετε καὶ συγχαίρετέ μοι. The careful and conscious parallelism in the construction is surely meant to lead us to the simple and natural interpretation of the verses. In embracing the Gospel of the love of God both Paul and his converts have laid themselves open to the hatred and enmity of 'a crooked and perverse generation.' He and they have to pass through difficulties and dangers, to make sacrifices—perhaps the supreme sacrifice. The main point on which Paul insists is that like experiences call for like reactions. ‘We are all,’ he says in effect, ‘in the same straits: let us show the same invincible joy in facing the odds against us.’ Here again I do not see anything to compel us to think that, when he writes those words, Paul is actually in prison facing the imminent possibility of condemnation on a capital charge.

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[1] I take ἔν τε τοῖς δεσμοῖς . . . εὐαγγελίου with what follows (so Lightfoot and Dibelius). On the sense of χάρις see J. A. Robinson, *St. Paul's Epistle to the Ephesians*, 224 ff., and for βεβαίωσις, Deissmann, *Bible Studies*, 108.

Similarly in iv, 14, καλῶς ἐποιήσατε συγκοινωνήσαντές μου τῇ θλίψει, the immediate reference is doubtless to a particular θλῖψις, where θλῖψις means the suffering which the enemies of the Cross of Christ are always ready to inflict upon the servants of Christ.[1] But there is nothing to indicate that this particular θλῖψις is imprisonment; and indeed the context suggests that it is more likely to be the oft-repeated experience of being without food or shelter or friends among people indifferent or even hostile to his message. Paul, no doubt, found himself in that position often enough when he began in a new place; and in such circumstances the help of his friends at Philippi would be doubly welcome.

The crucial passage, however, is i, 12-30. In this passage Paul is speaking about his own affairs. The first thing he has to say is that, contrary to expectation, events have turned out to the advantage of his missionary work in two ways. First it has become obvious ἐν ὅλῳ τῷ πραιτωρίῳ καὶ τοῖς λοιποῖς πᾶσι that Paul's imprisonment was on account of his religion (and, we are left to infer, *not* on account of any crime committed by him). I think that the phrase ἐν ὅλῳ τῷ πραιτωρίῳ must, in view of the following καὶ τοῖς λοιποῖς πᾶσι, be taken to mean a body of people; and, in that case, the most natural view is that the *Praetorium* is the Roman court either at Rome itself or somewhere in the provinces. We are thus led to the view that Paul is writing about a trial that lies in the past. The most natural way to understand that it had helped on Paul's missionary work will be to suppose that, at the trial, he had been acquitted. If so, he is not likely to be writing from prison. In the second place the course of events has favoured the work by the fact that the majority of the brethren, filled with confidence by the proceedings against Paul, are themselves preaching the word with the utmost boldness. If Paul was, in fact, languishing in prison, it is not easy to see how that could be an encouragement to the brethren to go on with the preaching. If they did so, it would presumably be in spite of, not because of, what had happened to the Apostle. But if Paul had been acquitted, their confident boldness is at once explained.

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[1] Cf. G. Kittel, *Lexicographia Sacra*, p. 23.

The remainder of this long paragraph (*vv.* 19-30) is occupied with reflections of a more general character. If he thought only of himself, he would be happy to die and enter into the bliss of being with Christ. But the glory of his Master and the well-being of his converts alike demand that he should remain at his post. It is a work of difficulty and danger and suffering, but it has its own peculiar rewards. He and his Philippian converts have the privilege not only of believing in Christ, but also of suffering for Him. In all this there is nothing to suggest that Paul is in danger of sentence of death, any more than in the passage in II Cor. iv, 7-18.

Our conclusion so far is that the statements in the letter, which might seem to favour the view that it was written from prison, turn out on closer examination to support the opposite view. There are some further considerations, of a general nature, that seem to lead to the same conclusion.

(i) It may be taken for granted that if Philippians was written from Ephesus, it was written before I Cor., that is, at a relatively early date in the Ephesian ministry. But it is to be observed that in the accounts of Paul's missionary work in Acts, trouble with the authorities usually puts an end to his activities in a place, at any rate for the time being. On the hypothesis that Philippians was written from prison in Ephesus, we have to suppose that, on being released, Paul was able to resume the very activities which had been the cause of his imprisonment in the first instance. This seems very unlikely.

(ii) We have to remind ourselves that imprisonment in the Roman Empire of St. Paul's day is not to be thought of as on a par with imprisonment in modern times.[1] In Roman criminal law the primary purpose of a prison was to hold persons awaiting trial; and the use of imprisonment as a punishment was exceptional. If, however, Philippians was written from an Ephesian prison, we should have to regard Phil. i, 12-14 as an account of the trial and assume that Paul, at the time of writing, was 'serving his sentence.' This also seems very unlikely.

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[1] Cf. *Digest*, xlviii, 19, 8, 9. *Carcer enim ad continendos homines, non ad puniendos haberi debet*, with Buckland's remarks in *Cambridge Anct. Hist.*, xi, 843 ;

These general considerations would not tell against the Roman imprisonment as they do against the Ephesian; for in the case of Rome, Paul *is* awaiting trial; and, however the trial may have gone, he does not appear to have done any further mission work in Rome after it.

We may now pass to the next step in the argument. Not only is the evidence insufficient to prove that Philippians was written from prison: there are also positive indications in the

Greenidge, *Legal Procedure of Cicero's Time*, 513-16. Greenidge says that imprisonment was not recognised as a punishment; but preventive imprisonment is sometimes used as a penalty; and (p. 516) 'Thus it was that a part of the mere administrative machinery of the State became used for the ends of criminal justice. It was a use to which the Government was sometimes forced by the decline of corporal punishment and the growth of the theory of exile; for imprisonment was almost the only method which the later Republic possessed of securing the deterrent effects of punishment without resorting to extreme measures.' See also the articles *Carcer* and *Coercitio* in Pauly-Wissowa, and Mommsen, *Römisches Strafrecht*, 48 ff., 299 ff., 960 ff. In the provinces under the Empire, there does not seem to have been any lack of punishments apart from imprisonment. Paul tells us that he had been three times flogged at the time when he wrote II Cor. x-xiii (xi, 24: τρὶς ἐραβδίσθην). There were also fines, various forms of exile, condemnation to penal servitude in the mines or quarries (*ad metalla*), and death.

If Paul was in prison at Ephesus, it would be before or after trial. If before trial, we have to explain away Phil. i, 12-14, which looks like the account of a trial that has already taken place. If after trial, it may be to await execution of some sentence that has been passed—and of this there is no trace whatever—or it may be a period of confinement imposed (by way of *coercitio*) by the provincial Governor. But in that case we have to take account of the fact that the object of *coercitio* is to compel obedience: and consequently if Paul had been put in prison to curb his missionary activities, he would not be likely to be released in order to resume them in the same place. And if, after his release, he was found doing the same things for which he had previously been committed, the treatment on the second occasion would not err on the side of leniency. Paul would probably have found it necessary to play his trump card—the appeal to Caesar—at Ephesus.

letter itself which strongly suggest, if they do not prove, that St. Paul was at liberty when he wrote. He speaks of his future plans, especially of a visit to Philippi, in the manner of one who is free to determine his own movements. He mentions the proposed visit in i, 26 f., and there is a suggestion that his arrival may be delayed. But any delay would seem to be due to general mission difficulties rather than to incarceration. St. Paul is too busy fighting against opposition of all kinds to be able to get away to Philippi.[1] In ii, 19-24 we are told that Timothy is to be sent first to Philippi to visit the Church there and report to Paul.[2] After that Paul hopes to go to Philippi in person, and there is no hint that the decision to set out will depend on anyone but the Apostle himself. The plans may be as yet rather indefinite, but they read like the plans of a free man.

If the argument up to this point is sound, it at once makes an end of the theories that the epistle was written from Rome or from Caesarea ; for in both places Paul was a prisoner, and our conclusion is that the writer of Philippians was not. It also makes an end of the theory that the letter was written from an Ephesian prison ; but it does not affect the hypothesis that it was written from Ephesus. We may now turn to examine this hypothesis more closely. There are several arguments in its favour.

(i) The travel plans fit in very well with what we are told in I Cor. In Philippians Paul and Timothy are still together

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[1] Assuming that Philippians was written from Ephesus, I think that the real reason why Paul cannot leave the city immediately is not that he is in prison but that—as he says later in I Cor. xvi, 8 f.—*ἐπιμενῶ δὲ ἐν Ἐφέσω ἕως τῆς Πεντηκοστὴς · θύρα γάρ μοι ἀνέῳγε μεγάλη καὶ ἐνεργής, καὶ ἀντικείμενοι πολλοί.*

[2] The eulogies of Timothy should probably not be pressed, nor the somewhat depreciatory remarks about the others. These things may perhaps be partly explained by the fact that Timothy does not appear to have been a very forceful personality (cf. I Cor. xvi, 10 with II Tim. i, 6 ff. ; I Tim. iv, 12 : even if the Pastorals are spurious they should doubtless be regarded as reliable on this point, seeing that the natural tendency of the tradition would be to avoid disparaging the leaders in the great first missionary campaign of the Church). On the other side it may be that Paul—himself a very determined character—was beginning to find himself crossed by others who had minds and wills of their own (Phil i, 15 ff.). In that case the docility—if that is the right word—of Timothy would appear doubly virtuous in the eyes of his chief.

(i, 1); and Timothy is to be sent to Philippi soon. On his return Paul will come in person (ii, 19-24). Nothing is very definite and no times are set. In I Cor. xvi, 5-9, the arrangements are more precise. Paul writes from Ephesus that he will stay where he is until Pentecost, then visit Macedonia during the summer, and probably winter at Corinth. In I Cor. iv, 17 he says that he is sending Timothy to Corinth; and in xvi, 10 the natural interpretation is that Timothy has already left for Macedonia on his way to Corinth [1] and that the letter to the Corinthians, being sent direct, will reach Corinth before him. The Philippian travel-plans thus seem to belong to an earlier stage than those in I Cor.

(ii) We note the absence from Philippians of any reference to the collection for the Jerusalem Church, which is so important by the time that I Cor. xvi, 1-4 was written. In I Cor. xvi, 1 Paul says that he has already given instructions to the Galatian churches. This may well have been done, as J. Weiss suggests, verbally during the Galatian visit recorded in Acts xviii, 23.[2] Now in II Cor. viii, 1-7 the collection has been completed in the Macedonian churches, and Paul speaks with high appreciation of the generosity that had been shown by them. The collection had been planned before I Cor. xvi was written, and probably before Paul's arrival in Ephesus: so far as Macedonia is concerned it is complete when he arrives in Macedonia at the end of the Ephesian period. A simple explanation of the absence of all reference to it in the letter would be that it was a matter that was to be arranged personally by Timothy when he went to Philippi.[3] In that case Philippians would fit naturally into place before I Cor.

(iii) There are a number of expressions in Philippians that suggest that the interval between the foundation of the Church at Philippi and the writing of the letter has not been a very long one.

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[1] Timothy did in fact leave Ephesus for Macedonia, along with Erastus, while Paul was still in Ephesus (Acts xix, 21 f.); and Paul followed later (Acts xx, 1; II Cor. ii, 12 f.).

[2] *Der erste Korintherbrief* (Meyer's *Kommentar*), p. 381.

[3] It may be that Paul felt a little shy about pressing the claims of the Jerusalem community at the moment when the Philippians had just made an effort on his own behalf.

(*a*) In i, 26 Paul uses the phrase τῆς ἐμῆς παρουσίας πάλιν πρὸς ὑμᾶς. Here it has been argued that the use of πάλιν is most suitable if the next visit of the Apostle to Philippi will be the second. In the same paragraph (*vv.* 29 f.) he tells the Philippians that they have been granted the favour not only of believing in Christ but also of suffering for Him, τὸν αὐτὸν ἀγῶνα ἔχοντες οἷον εἴδετε ἐν εμοί, καὶ νῦν ἀκούετε ἐν ἐμοί. It is unlikely that the Philippian Christians were in prison when Paul wrote to them; and the 'struggle' should doubtless be understood in a more general way of opposition to the Gospel. Paul had suffered from it when he was at Philippi. He now says to his converts: 'You saw my troubles in Philippi; now you hear of further troubles, which I have had to undergo.' This way of speaking is not very natural in a letter written during the Roman imprisonment. To say: 'You remember my troubles in Philippi; well, I am having the same troubles in Rome,' would suggest that the intervening ten or twelve years had been a period of unbroken calm. And we know that that was not the case. The sentence reads simply and naturally if we suppose that the interval between the two troubles is quite short.

(*b*) Again in ii, 12 Paul speaks of the obedience that is expected of his beloved Philippians not only when he was present with them, but now much more when he is away. Here, too, it looks as if there had only been one παρουσία of Paul's—that during which the Church at Philippi was founded—and that the ἀπουσία has not been extremely prolonged.

(iv) Lastly, there is the point that has been made so often that there is no need to repeat the arguments: that if Philippians was written from Rome, Paul's remarks on the subject of the gift sent from Philippi cannot be construed except as a rebuke, and a sarcastic rebuke at that. If the letter is dated before I Cor., this difficulty does not arise. The Philippians have had no opportunity to send a gift because Paul has been away to Syria in the interval between his departure from Corinth and the beginning of the Ephesian ministry (Acts xviii, 18-23).

It thus seems that there are good grounds for believing in the Ephesian origin of the epistle, but not for believing in the Ephesian imprisonment. This brings us to the third and most adventurous part of the discussion, in which I must try to give an exegesis of Phil. i, 12-30 without putting St. Paul into an Ephesian gaol. The suggestion which I venture to make is that Paul, writing at a comparatively early date in the Ephesian ministry, is referring back to the events which put an end to his first stay in Corinth, and reporting the subsequent developments there (*vv.* 12-17). He then goes on to speak of his own reactions to these things (*vv.* 18-26), and of his hope that the Philippian Christians will not allow themselves to be intimidated by the opponents of the Gospel, but will stand fast in the faith even if it means struggle and suffering (*vv.* 27-30). Let us look a little more closely at *vv.* 12-17.

12 Γινώσκειν δὲ ὑμᾶς βούλομαι, ἀδελφοί, ὅτι τὰ κατ' ἐμὲ μᾶλλον
13 εἰς προκοπὴν τοῦ εὐαγγελίου ἐλήλυθεν, ὥστε τοὺς δεσμούς μου
φανεροὺς ἐν Χριστῷ γενέσθαι ἐν ὅλῳ τῷ πραιτωρίῳ καὶ τοῖς λοιποῖς
14 πᾶσι, καὶ τοὺς πλείονας τῶν ἀδελφῶν ἐν κυρίῳ πεποιθότας τοῖς
δεσμοῖς μου περισσοτέρως τολμᾶν ἀφόβως τὸν λόγον τοῦ Θεοῦ λαλεῖν.

Paul begins to speak of his own affairs ; but at once, and characteristically, turns to consider their bearing on the progress of the Gospel, which is for him the one thing that really matters. From that point of view things have gone excellently with him. He has had a troublesome time, of course ; but it has served to help on the work, so that his troubles have really been blessings in disguise. There have been two principal results : the first concerns himself, the second his fellow-Christians. As to himself it has been made clear that his only offence—if it be an offence—is that of being a Christian.[1] This fact has been demonstrated to the general public (τοῖς λοιποῖς πᾶσι) as well as to a smaller circle (ἐν ὅλῳ τῷ πραιτωρίῳ). As we have abandoned the Roman origin of the letter, the *Praetorium*[1] must be given the sense that it would have in the provinces; either the residence of the provincial Governor or the headquarters of the provincial administration. *Praetorium* is the equivalent of our 'Government House.' And I think we may go further and say that the context requires us to think of Government House in its judicial capacity. 'It became clear in the whole Praetorium' means 'it became clear to the Proconsular court.' That implies a trial of some kind in the course of which it was made evident that Paul was not a criminal but, as Government House doubtless put it,[2] a crank. And just such a trial is described for us in Acts xviii, 12-17. There Paul is brought before the Proconsul Gallio by the Jews of Corinth. The charge did not amount to much: teaching men to worship God in ways not in accordance with the (Jewish) Law; but no doubt it was hoped that Gallio would regard this teaching as—to use our own terms—'conduct likely to cause a breach of the peace,' and deal with Paul accordingly. This expectation was not realised. According to the account in Acts Gallio said to the Jews:

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[1] I take ἐν Χριστῷ with τοὺς δεσμούς μου, and understand Paul to mean that it became obvious that he was under arrest in his capacity as an Apostle of Jesus Christ. The idea is similar to that which is set out more explicitly in I Pe. iv, 14-16. The point is clearly put by O. Linton in *Coniectanea Neotestamentica*, ii, 9-21 : 'Die Hauptsache ist dass es durch die Gerichtsverhandlung allen klar wird, dass er *als Christ* seine Fesseln trägt, dass er mit Christus stirbt oder lebt. *Er steht und fällt mit dem Evangelium.*'

> *Εἰ μὲν ἦν ἀδίκημά τι ἢ ῥᾳδιούργημα πονηρόν, ὦ Ἰουδαῖοι, κατὰ λόγον ἂν ἠνεσχόμην ὑμῶν· εἰ δὲ ζητήματά ἐστι περὶ λόγου καὶ ὀνομάτων καὶ*

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[1] In the N.T. *πραιτώριον* is regularly used 'to denote the "palace" or "official residence" of a Governor'; cf. Mk. xv, 16; Ac. xxiii, 35; and for examples of this meaning in the Papyri see Moulton and Milligan, *Vocabulary*, *s.v.* and the excursus in Dibelius's commentary in *HBNT*. The discussion by Lightfoot in his commentary on the epistle, pp. 99-102, takes account only of the possible senses of *praetorium* on the assumption that the letter is written from Rome. The upholders of the Ephesian hypothesis argue, correctly enough, that we must suppose that there was a *praetorium* at Ephesus since Ephesus was the seat of the Proconsul of Asia; but Corinth was equally the seat of the Proconsul of Achaea, and the arguments for the Ephesian *praetorium* are equally valid for the Corinthian.

I may add here that on the theory which I propose, *οἱ ἐκ τῆς καίσαρος οἰκίας* will be slaves and freedmen in the Imperial service (cf. Zahn, *Einleitung*, i, 391). That such persons were to be found all over the Empire, and in particular at Ephesus, may be taken as certain. In Phil. iv, 22, the reference will be to members of this body in Ephesus, who have been converted to Christianity. (See Michaelis, *Theol. Handkomm. ad loc.*)

[2] Cf. the verdict of Pliny, *Epp.* X, xcvi, 2 and 8. After examining Christian deaconesses by torture: *nihil aliud inueni quam superstitionem prauam, immodicam.*

*νόμου τοῦ καθ' ὑμᾶς, ὄψεσθε αὐτοί· κριτὴς ἐγὼ τούτων οὐ βούλομαι εἶναι.*

With that the case was dismissed; and, though the exasperated accusers did create a breach of the peace by beating the unfortunate Sosthenes, 'Gallio was not troubled at all by these things.'[1]

The essential judgement is: there is no crime here, only a dispute about some theological point, on which this court declines to adjudicate. The speech of Gallio and the words of Paul are, I venture to think, just two different ways of expressing that essential judgement; the one, impatient and rather contemptuous, that of the busy Roman official with other and more important matters to think about; the other, pleased and almost triumphant, that of the ardent missionary who sees in the finding of the Court a vindication of himself and his work.

The second result of the proceedings against Paul has been that the majority of the brethren have been filled with confidence and are boldly proclaiming the Gospel. I have already argued that Paul's acquittal would be the strongest possible stimulus to such activity on the part of the brethren. I now add that if I am right in thinking that the trial took place at Corinth, the brethren in question will be the members of the Corinthian Church. Now both Acts and the letters to the Corinthians bear witness that things were moving rapidly in Corinth, and from Corinth outwards through the province of Achaea, in the period after Paul's departure from the city (cf. II Cor. i, 1; Rom. xvi, 1). True, the developments were not all of the kind that Paul desired or approved; but there was activity and zeal. In particular, Acts tells of a very effective mission carried on by Apollos (Acts xviii, 27 f.), and we know from I Cor. that there was a group in Corinth who were probably his converts. Also the Corinthian community had become sufficiently important to claim the attention of the authorities in Jerusalem; and there was a party (the Cephas party) disposed to acknowledge the Petrine claims. We are entitled to think of the period after the trial before Gallio as one of great activity and rapid growth in the Corinthian Church.

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[1] The translation is that of Lake and Cadbury. See their note *ad loc.*

Paul goes on (*vv.* 15-18) to speak further about this missionary activity :

15 τινὲς μὲν καὶ διὰ φθόνον καὶ ἔριν, τινὲς δὲ καὶ δι᾽ εὐδοκίαν τὸν
16 Χριστὸν κηρύσσουσιν· οἱ μὲν ἐξ ἀγάπης, εἰδότες ὅτι εἰς ἀπολογίαν
17 τοῦ εὐαγγελίου κεῖμαι· οἱ δὲ ἐξ ἐριθείας τὸν Χριστὸν καταγγέλλουσιν,
18 οὐχ ἁγνῶς, οἰόμενοι θλῖψιν ἐγείρειν τοῖς δεσμοῖς μου. τί γάρ; πλὴν
ὅτι παντὶ τρόπῳ, εἴτε προφάσει εἴτε ἀληθείᾳ, Χριστὸς καταγγέλλεται·
καὶ ἐν τούτῳ χαίρω, ἀλλὰ καὶ χαρήσομαι.

I suggest that the best commentary on these verses is to be found in the first four chapters of I Cor. It is in the Corinthian Church that there is faction and strife, and that at the very time when the letter to the Philippians is being written.[1] It is in Corinth that we find a party who are all for Paul, and others, no doubt equally zealous, who are all against him. We may be sure that all the parties in the Corinthian Church claimed to be good Christians, and that all believed themselves to be proclaiming the pure Gospel. We may go farther and suppose that at the time when he wrote Philippians, Paul did not yet fully realise the seriousness of the Corinthian situation. He has heard of some differences there, and even of opposition to himself ; but, after all, even those who are opposed to him personally, are nevertheless preaching the Gospel, and that is the main thing. Later, at the time of the Corinthian correspondence, he has become aware how deep are the rifts in the community, and how evil are the effects on the Christian life and witness of the Church.

Of his opponents Paul says that their purpose is to stir up trouble (θλῖψιν ἐγείρειν).[2] Since they are preaching Christianity in some form or other, as Paul himself admits, they can hardly mean to stir up trouble for the Church at large or for the local community where they are active. We can only suppose that it is Paul himself who is the object of their efforts. The question then is how we are to construe τοῖς δεσμοῖς μου. I think that we should take it as instrumental, and understand that the people in question use the fact that Paul had been under arrest (not for the first time) to undermine his authority in his churches. They could say, not without plausibility, that Paul was getting the Gospel a bad name. Wherever he goes, he seems to get himself involved in brawls which end up in court. He antagonises the synagogues and arouses the suspicions of the Roman authorities.

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[1] Is it possible that 'Chloe's people' (I Cor. i, 11) had already arrived in Ephesus when Philippians was being written ? In any case there was certainly contact between Paul and Corinth before I Cor. was written.

[2] This, the more difficult reading, is to be preferred to θλῖψιν ἐπιφέρειν.

Now we know from the Corinthian correspondence (and I think that we should also bring in the letter to the Galatians) that during the Ephesian ministry Paul's position in the Gentile churches, and indeed his status as an Apostle, were both seriously challenged. There is no doubt whatever that the challenge came from the Jewish-Christian wing of the Church, and that its rallying cry—in Corinth at any rate—was the name of Cephas. It does not seem to me beyond the bounds of probability that, when he wrote Philippians, Paul had already heard the first rumblings of the approaching storm.

If that is so, we are in a better position to understand some striking features in the epistle.

(i) There is, first of all, the remarkable emphasis on unity which runs through the letter. The note is struck in the address to *all* the saints who are in Philippi. It is repeated in the four-fold ' all of you ' in i, 3-11, and again in i, 27, *ὅτι στήκετε ἐν ἑνὶ πνέυματι, μιᾷ ψυχῇ συναθλοῦντες τῃ πίστει τοῦ εὐαγγελίου.* Once more in ii, 2 f. : *ἵνα τὸ αὐτὸ φρονῆτε, τὴν αὐτὴν ἀγάπην ἔχοντες, σύμψυχοι, τὸ ἓν φρονοῦντες· μηδὲν κατὰ ἐριθείαν μηδὲ κατὰ κενοδοξίαν* . . . and ii, 14 : *πάντα ποιεῖτε χωρὶς γογγυσμῶν καὶ διαλογισμῶν.* Finally in iv, 2 : *Εὐωδίαν παρακαλῶ, καὶ Συντύχην παρακαλῶ, τὸ αὐτὸ φρονεῖν ἐν κυρίῳ.* These repeated exhortations to maintain peace and unity in the Philippian Church have added significance if we are right in thinking that Paul knew that there was faction in the Church at Corinth.

(ii) Then there is the remarkable outburst in Chapter iii which has led some commentators to think of interpolation. But there does not seem to be any serious difficulty if Philippians belongs to the early Ephesian period. The fierce warnings have their counterpart in II Cor. x-xiii, and in the letter to the churches of Galatia. In both these documents Paul is fighting desperately against those who attempted to depreciate him in the eyes of the Gentile churches and questioned his right to the title and privileges of an apostle. In Galatia the mischief has already been done when the letter is written : *θαυμάζω ὅτι οὕτω ταχέως μετατίθεσθε ἀπὸ τοῦ καλέσαντος ὑμᾶς* . . . (Gal. i, 6). In II Cor. x-xiii it is clear that a considerable section of the Corinthian Church is in revolt against the authority of Paul. At Philippi the situation is not, apparently, so alarming ; but it is necessary to deal with this kind of danger almost before it arises.

The nature of the challenge we can easily surmise. It came from persons of Jewish birth. *Βλέπετε τὴν κατατομήν* can hardly be meant as anything but a savage jest at the *περιτομή*. It is probable that they were also Christians claiming to stand in the original Palestinian tradition, to be in communion with the original Apostolate. Paul says bitterly (II Cor. xi, 5): *λογίζομαι γὰρ μηδὲν ὑστερηκέναι τῶν ὑπερλίαν ἀποστόλων* ; and in xi. 13 : *οἱ γὰρ τοιοῦτοι ψευδαπόστολοι, ἐργάται δόλιοι, μετασχηματιζόμενοι εἰς ἀποστόλους Χριστοῦ.* He goes on (xi, 22-31) to declare with great emphasis that he is as good a Jew and as good a Christian missionary as any of them, and better than most. It is surely no accident that in Phil. iii, 2 we have the injunction, *βλέπετε τοὺς κακοὺς ἐργάτας*, and that in iii, 5 ff., we have an assertion by Paul of his whole-hearted devotion to Judaism before his conversion, and to Christ since that memorable day on the road to Damascus. It is difficult to compare Phil. iii with II Cor. xi, and we may add Gal. i, 11-17, without feeling convinced that they hang together, that the tension noticeable in Philippians is but a prelude to the crisis revealed by the Corinthian and Galatian correspondence.

This is perhaps the time to take into account Professor Dodd's theory of what may be called St. Paul's second conversion as it is reflected in II Cor. x-xiii. Accepting the theory in its main outlines, I cannot help thinking that it is more easily credible if Philippians was written before the spiritual experience which so profoundly affected the Apostle. I am unable to persuade myself that in Philippians there is any really serious change in Paul's general outlook and temper, such as is required by the theory of a second conversion. In particular

Chapter iii is more easily understood before the second conversion than after it. Indeed if Philippians is to be dated after the spiritual crisis, Chapter iii can only be regarded as either a relapse or a misplaced survival from an earlier stage in Paul's career.

Nor do I think that the eschatological views expressed in our letter require a late date. In discussing this question it is important to bear in mind that from the time of the Thessalonian correspondence onwards, the urgent problem is to explain the delay of the Parousia. The earliest form of explanation, as given in II Thes. ii, is that a kind of Satanic Parousia must come first, and then the second Advent of the Lord Jesus will take place. Later in I Cor. xv, 20-28, we are told that Christ is risen from the dead and that He reigns until He has subdued all enemies. When the last enemy has been put down the Parousia will take place. Meanwhile Christians are to be ' stedfast, unmoveable, always abounding in the work of the Lord, for as much as ye know that your labour is not in vain in the Lord ' (I Cor. xv, 58). It seems to me that the eschatological ideas of Philippians are akin to those of I Cor. We may compare Phil. i, 6, *ὁ ἐναρξάμενος ἐν ὑμῖν ἔργον ἀγαθὸν ἐπιτελέσει ἄχρις ἡμέρας Ἰησοῦ Χριστοῦ,* with I Cor. xv, 58. Again the conclusion of the Christological passage (Phil. ii, 9-11) expresses the same conviction as I Cor. xv, 25 f. : every knee must bow ; and all enemies must be subdued. Similarly in Phil. iii, 20 f., the transformation which is to be effected by the Lord Jesus Christ is precisely that which is described in I Cor. xv, 50-54. And it belongs to the power which He has of subjecting all things to Himself (iii, 21 ; cf. ii, 9-11 and I Cor. xv, 25 f.).[1] So in Philippians, as in I Cor., the Parousia is

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[1] To Phil. iii, 20, *ἡμῶν γὰρ τὸ πολίτευμα ἐν οὐρανοῖς ὑπάρχει* the nearest parallel is Gal. iv, 26, *ἡ δὲ ἄνω Ἰερουσαλὴμ ἐλευθέρα ἐστίν, ἥτις ἐστὶ μήτηρ ἡμῶν.* At the stage at which Philippians, I and II Corinthians, and Galatians were written the coming of the heavenly kingdom with power, does not seem to mean the negation of existing conditions so much as their transfiguration.

I should like to suggest another link between Philippians and Galatians. I think that the " enemies of the Cross of Christ " (Phil. iii, 18) means enemies of the Messianic Cross—not enemies of Christ. That is, it stands for those to delayed, but not indefinitely. It is expected that it will come in the lifetime of Paul and his correspondents. Those who have already died in the Lord will be raised, and those who are still living will be changed.

It thus seems to me that Philippians fits in naturally with I Cor. and Gal.; and that the theory of a second conversion of Paul is strengthened if we can place the epistle before the conversion.

With that we may leave the pros and cons and attempt a reconstruction of the circumstances in which the letter was written. Paul, accompanied by Silas and Timothy, had made his way through Asia Minor and had arrived at Troas (Acts xv, 40-xvi, 8), where Paul in a vision by night was entreated by a man of Macedonia to bring the Gospel thither (xvi, 9). 'And when he had seen the vision, straightway we sought to go forth into Macedonia' (xvi, 10). The appearance of the first person plural at this point may probably be taken to indicate the presence of Luke in the party. The journey by sea from Troas to Neapolis and thence by the Egnatian way to Philippi[1] is described in verses 11 and 12, and the adventures of the missionaries in verses 13-40. These events may probably be dated in the summer of 49. On leaving Philippi, Paul and Silas make their way to Thessalonica (xvii, 1-7) and thence to Beroea, where Timothy reappears. (As the use of "we" in narrative is not a feature of these sections, it may be assumed that Luke had been left behind at Philippi. This supposition is made the more likely by the fact that the use of "we" is resumed once more *at Philippi* (Acts xx, 5 f.). In that case it

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whom the crucified Messiah is a stumbling-block (I. Cor. i, 23 f.). Linton puts it (*op. cit.* p. 18 f.) that it describes those who will *not* suffer for the Gospel, who want temporal safety as well as eternal salvation. It may be argued that to such persons Judaism (as a *religio licita*) presents such temporal safety; hence the temptation to get the Christian Church included in the Jewish fold. This is what seems to be meant in Gal. vi, 12, *ὅσοι θέλουσιν εὐπροσωπῆσαι ἐν σαρκί, οὗτοι ἀναγκάζουσιν ὑμᾶς περιτέμνεσθαι, μόνον ἵνα τῷ σταυρῷ τοῦ Χριστοῦ μὴ διώκωνται.*

[1] For a very full and interesting historical account of the city see Paul Collart, *Philippes, ville de Macédoine*, École Française d'Athènes, Travaux et Mémoires, Fasc. V (1937).

may be Luke who is addressed in Phil. iv, 3 as 'true yokefellow'.) After a stay in Athens (xvii, 15-34), Paul came to Corinth where he worked for some eighteen months (winter 49/50 to summer of 51). In the summer of 51, soon after the arrival of Gallio as proconsul of Achaea, Paul was brought for trial on charges laid by the Jews of Corinth. This trial and the results that followed are described by Paul in Phil. i, 12-18 and by Luke in Acts xviii, 12-17.

Some time later Paul left Corinth for Syria (Acts xviii, 18), calling at Ephesus on his way. How long he spent in the East we do not know, nor are we told how much time was occupied in the journey through Asia Minor back to Ephesus (xviii, 22 f.). It is, however, very improbable that the arrival in Ephesus was earlier than the autumn of 52 or later than the early part of 55.

On returning to Ephesus Paul was able to come again into close touch with the Philippian community; and if we are right in supposing that Luke was still at Philippi, there would doubtless be a readiness on the part of the Philippians to get into touch with Paul.[1] It may be surmised that on hearing that Paul was in Ephesus the Church of Philippi sent gifts and greetings by the hand of their messenger Epaphroditus, of whom Paul speaks in Phil. ii, 25-30. I would hazard the conjecture that Epaphroditus is to be identified with the Epaphras [2] who is mentioned in Col. i, 7; iv, 12, and Phm. 23. From what Paul says in Phil. ii, 30 it would seem that he had been acting as an assistant to the Apostle in his missionary work, and that in the course of this work had contracted the illness which almost ended fatally. It is possible that later he returned to this part of the field and made a place for himself in the Churches of the Lycus valley. Still later when Paul is a prisoner in Rome, he comes there to seek the help of the Apostle against false doctrines that are working mischief among his people. The lapse of time between the writing of Philippians and Colossians would account for the change to the more familiar Epaphras in the later letters. But all this is guesswork.

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[1] It may well be the case that the support of Paul by the Philippian Church was due in the first instance to Luke's suggestion and encouragement.

[2] On the names, cf. Moulton-Howard, *Gramm. of N.T. Greek*, ii, 314, and Moulton-Milligan, *Vocabulary*, 230*a*, where *'Επαφρᾶς* is described as 'a pet form of *'Επαφρόδειτος*'.

What does seem fairly certain is that in the early fifties of the first century there was a definite attempt to bring the Gentile Christian communities—and Paul himself—into subjection to the central body in Palestine. Earlier attempts had traded on the name of James the Just—if indeed they had not had his approval.[1] The new movement put forward its claims in the name of Peter, and at the same time questioned the right of Paul to apostolic status. (We have, perhaps, the Palestinian side of the matter in Matt. xvi, 17-19.[2]) Soon we hear of a Cephas party at Corinth and of the defection of the Galatian Churches. It is in the early stages of this crisis that Paul writes to the Philippians. His letter is above all an expression of his love for them, and an appeal to them to preserve unity with one another and with him in the spirit of Christ. This appeal for unity and loyalty, with its climax in the great Christological passage (ii, 6-11), where Jesus Himself is set forth as the supreme example of self-effacing loyalty and devotion, stands between a report on the factions—as I think—in the Corinthian Church (i, 15-18), and a warning in the strongest terms against the Judaizing emissaries who were already beginning their attempt to undermine the loyalty of the Pauline communities to their Founder (iii, 2-21). It seems to me that this disposition of the material is conscious and deliberate on Paul's part. The last chapter deals with more personal matters, messages to individuals at Philippi, acknowledgement of the gift from the Church, greetings. The whole letter breathes a spirit of confidence in the love and loyalty of the Philippian community to the Apostle : we have no reason to think that that confidence was misplaced.

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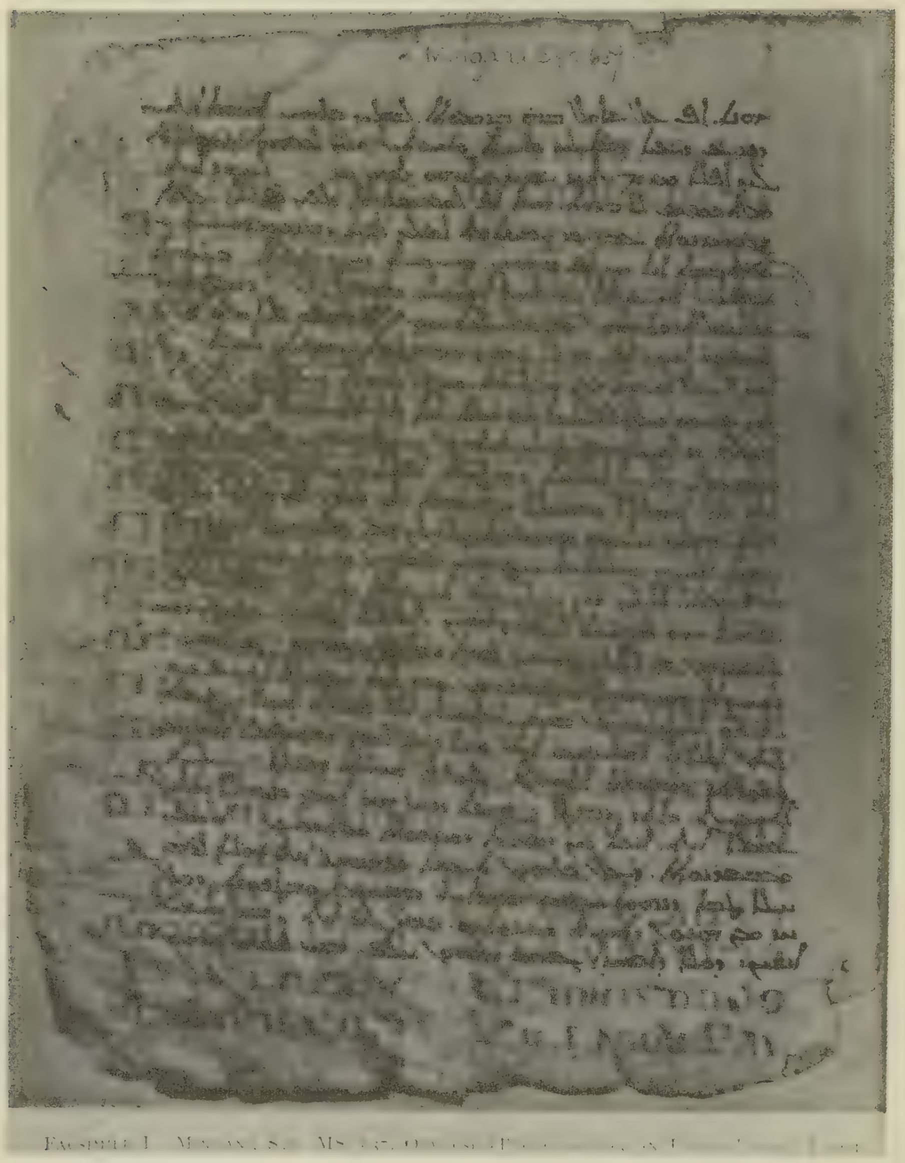
[1] Gal. ii, 12.

[2] I have discussed the interpretation of this passage in *The Mission and Message of Jesus*, 493-497.



FACSIMILE I. [illegible] MS. [illegible]

# A PALESTINIAN SYRIAC PALIMPSEST LEAF OF ACTS XXI (14-26).

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THE first step towards the identification of the Palestinian Syriac Palimpsest leaf, numbered Mingana Syriac 637 in the Mingana Collection of Oriental Manuscripts at Selly Oak Colleges, Birmingham, was taken by Mr. G. Woledge, formerly Librarian of the Selly Oak Colleges Library, Selly Oak, and now of Queen's College, Belfast, when he observed that in size and general appearance this Palimpsest leaf from the Mingana Collection bore a close resemblance to the facsimile of a similar leaf in Mrs. A. S. Lewis's *Codex Climaci Rescriptus*,[1] of which one folio was missing. Mr. Woledge, who is not himself an Orientalist, showed the leaf to Professor D. S. Margoliouth, who confirmed the identification of the Mingana Palimpsest as the missing leaf belonging to the Lewis Codex, and who further identified the under-writing as containing a Palestinian Syriac text of part of the twenty-first chapter of the Acts of the Apostles.

I am grateful to Mr. Woledge for calling my attention to the Palimpsest, and to the Trustees of the Mingana Collection of Oriental Manuscripts for their kind permission to edit it. Mr. Edward Cadbury kindly granted me the use of his violet ray apparatus, without which it would have been impossible in several places to restore the text of the under-writing with so much confidence. I am indebted to Dr. H. L. Gottschalk, Curator of the Mingana Collection at Selly Oak, for several valuable suggestions and for facilitating in every way possible my work on the Palimpsest. The excellent photographs which are here reproduced, by permission of the Trustees of the Mingana Collection, are the work of Mr. L. Thompson, chemist in the Cadbury Laboratories, Bournville.

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[1] In *Horae Semiticae*, No. VIII (Cambridge, 1909).

For a full description and further details on the Climaci Palimpsests, reference should be made to Mrs. Lewis's work. The main facts may be perhaps recalled. The Codex, the greater part of which was acquired by Mrs. Lewis in 1905 and 1906 from the Near East, contains (including the rediscovered leaf) 139 leaves of fine vellum. The upper-writing, written in an Edessene Syriac hand which has been assigned to the beginning of the ninth century, is a Syriac version of the *Scala Paradisi*, "a book of those who are hastening to write their names in the Book of Life in Heaven", and of the *Liber ad Pastorem* of St. John Climax, Abbot of Mt. Sinai (fl. c. 580).[1] The Mingana Palimpsest restores the lost leaf from the latter work, the Latin translation of which begins with the words "*isto :* paria quoque de Saule dicuntur";[2] for this the Syriac upper-text now reads: ܗܘܐ. ܐܦ ܥܠ ܫܐܘܠ ܒܗ̇ܘ ܒܕܡܘܬܐ, and concludes on the reverse with the words: ܐܠܐ; ܝܬܝܪ ܘܠܐ ܡܬܦܚܡܢܘܬܐ ܗܝ ܗ̇ܘ ܕܐܦ ܠܐ ܡܢ ܩ̈ܘܡܢܐ, the Latin text of which reads "Sed multo praeclarius est et supra comparationem, tumultus . . .".[3] The under-writing of the Codex consists in part of a Biblical text in Greek sloping uncials (containing fragments of a Gospel Harmony and nine verses of Psalm 140), but in the main of Palestinian Syriac texts; of the Gospels, portions of the Acts and of St. Paul's Epistles, parts of II Peter and I John, fragments of an early Palestinian Syriac Lectionary of the Old Testament, part of an Apostolic myth, and a fragment of a homily, the style of which has been thought to resemble that of Ephrem Syrus. The under-writing is not homogeneous, and the scribe who copied or translated the two works of St. John Climax used parts of several different MSS. as his writing material. These divisions in the Codex according to the under-writing are labelled Climacus I, II, III, IV, V and VI in the

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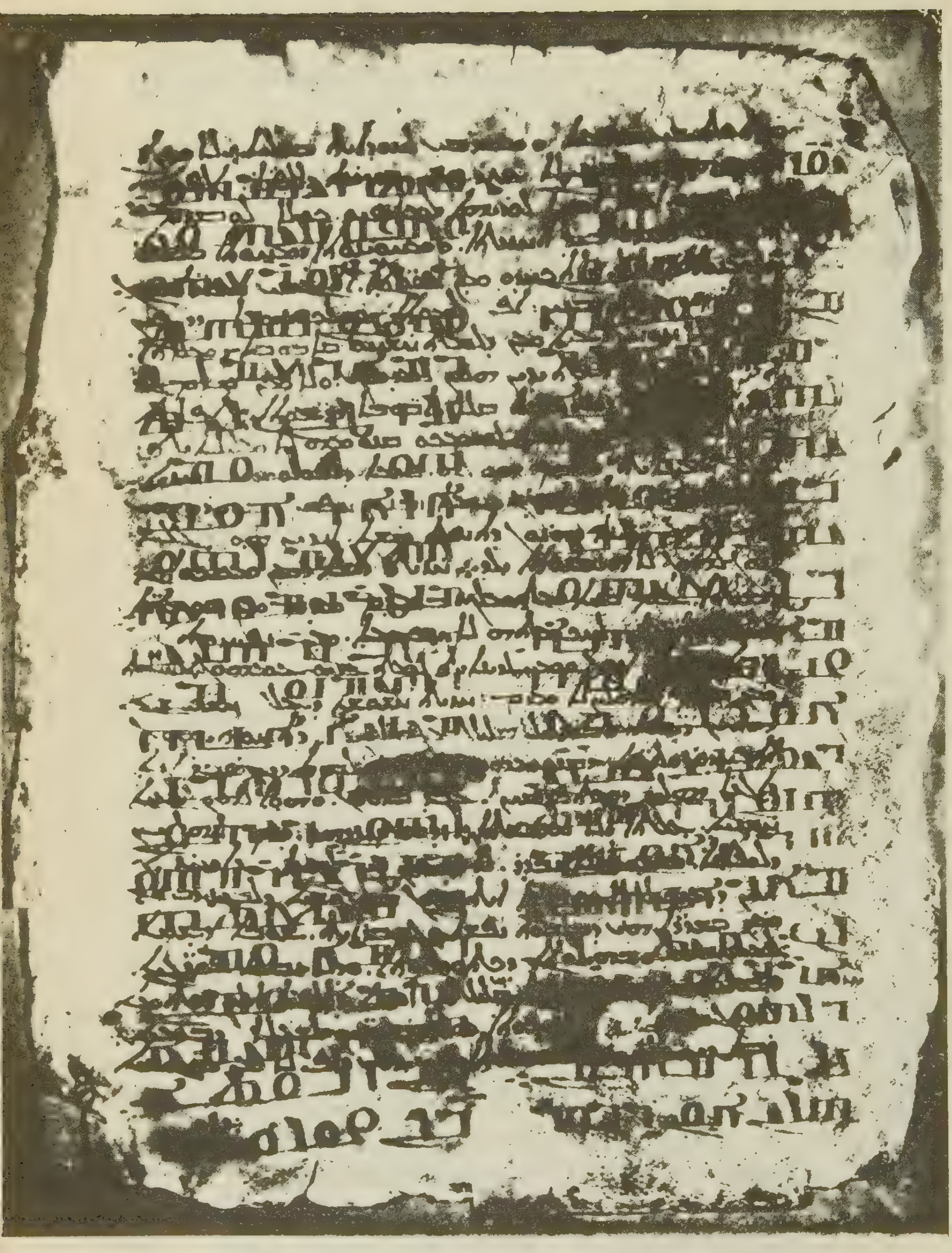
[1] See Migne's *Patrologia Graeca*, Tom. LXXXVIII, pp. 579 ff.

[2] *Ibid.*, p. 1179, line 17.

[3] *Ibid.*, p. 1186, line 7.



Facsimile II. Mingana Syr. MS. 637, Reverse (Photographed in Ultra-Violet Light).

order of their occurrence in the Codex as it has been arranged to follow the text of the upper-writing.

The rediscovered leaf belongs to Climacus II, the most valuable part of the whole Codex. The vellum in this part is very fine and thin, and the Palestinian Syriac under-writing is archaic in character [1] and cannot be ascribed to a date later than the sixth century.[2] Climacus II contains portions of the Acts of the Apostles, of St. Paul's Epistles and of II Peter and I John. The value of the Palimpsest under-writing is further enhanced by the fact that it contains, in this part, *continuous Biblical texts from a Palestinian Syriac Bible.*[3] The continuous text of the Palestinian Syriac version is to be distinguished, in point of antiquity and textual value, from the more familiar text of the Palestinian Syriac Lectionary, a specimen of which is preserved in Climacus III. Of the complete Palestinian Syriac Bible, we possess little more than a number of isolated passages and scattered fragments. The Mingana Palimpsest contains a practically complete text of Acts xxi (14b-26a) from this Bible.

The "textus receptus" has been taken as the basis for comparison with the Greek text and has been printed for convenience opposite the Syriac.[4] Where the Palestinian Syriac appears to preserve a variant reading which is unknown in Greek

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[1] Noteworthy is the archaic formation of the 'Ē, which has a small hook at the top (e.g. fol. 2a, line 21) and of the Ḥeths and the Semkaths. Final Nun, e.g. on fol. 1b, line 3, is written in the unusual way ܢ, (ܒܥܠܕܒܒܝܗܘܢ). No point is inserted in the Dalath.

[2] See Lewis, *op. cit.*, p. xii.

[3] *Ibid.*, p. xiv. The Mingana Palimpsest supplies further evidence of this by indicating (fol. 1a, line 4) the beginning of a *new chapter* with the words ܪܫ ܩܦܠܘܢ; i.e. *Ἀρχὴ Κεφαλαίου*. The first letter of the first word of the chapter is a large decorated Waw.

[4] Printed from the 1863 Oxford edition. Lewis printed Nestle's text. The Palestinian Syriac version was, however, the version of a Byzantine community and its text differs *least* from the Byzantine standard text. For this reason it seemed advisable to print a Byzantine Greek text, of which the only printed editions here available are those of the Textus Receptus. Where the Palestinian Syriac differs from the Byzantine standard it is possible that it may reflect the so-called "Western text." In the present fragment the evidence is too slight to warrant any conclusions. For other reasons for the printing of a Byzantine text above a critical apparatus, instead of an editor's own reconstruction, see B. H. Streeter, *The Four Gospels*, p. 147.

MSS., this reading is given in the apparatus in English. In the collation of Greek readings, A. C. Clark's edition of Acts[1] has been followed mainly, and the "sigla" of that edition adopted throughout, except in the case of the Latin versions, where Wordsworth and White's edition of the Latin text is followed.[2] The "siglum" **L** is used for the Latin versions generally and for the consensus of a majority of Latin MSS., where the exceptions are stated; $\mathbf{L}^{vg}$ is used for the Vulgate; in other cases the "sigla" of Wordsworth and White have been attached to the letter **L** thus, $\mathbf{L}^{gig}$, $\mathbf{L}^{d}$, $\mathbf{L}^{D}$, etc., for the Latin MSS. denoted by gig, d, D, respectively, in their edition. For the Peshitta, $\mathbf{S}^{vg}$, for the Philoxenian Syriac $\mathbf{S}^{ph}$, and for their consensus **S**, have been adopted as in Clark's edition. Occasionally a reading is taken from a source other than those mentioned, in which case the source is stated.

In the Palestinian Syriac text single letters have been occasionally supplied, and this is indicated by a bracket round the letter. Where there is some doubt as to the reading, suggestions have been made at the foot and some notes are added later in explanation. A dagger has been placed before forms of words which represent a departure from or an addition to the orthography to be found in F. Schulthess's *Lexicon Syropalaestinum.*

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[1] A. C. Clark, *The Acts of the Apostles* (Oxford, 1933).

[2] Wordsworth and White, *Novum Testamentum Latine* (Oxford, 1905).

## *ACTS, XXI* (14*b*–26*a*).

| | | | | |
|---|---|---|---|---|
| 14*b* | . . . ἡσυχάσαμεν | ܫܬܩܢܢ | ܘܐܡܪܢܢ | † 14*b* fol. 1*a* |
| | [a] εἰπόντες, Τὸ θέλημα | ܨܒܝܢܗ | ܕܡܪܐ | |
| | τοῦ κυρίου γενέσθω. | ܬܬܥܒܕ ⁖ | | |
| | | ܪܫ | ܘܩܠܝܢ | |
| 15 | Μετὰ δὲ τὰς | ܘܡܢ ܒܬܪ | ܗܠܝܢ | |
| | ἡμέρας ταύτας | ܝܘܡܝܐ | ܐܬܥܒܕ | |
| | [a] ἀποσκευασάμενοι | ܠ | ܕܢܣܘܩ | |
| | ἀνεβαίνομεν[a] εἰς | ܠܝܪܘܫܠܡ ⁖ | | |
| 16 | Ἱερουσαλήμ. συν- | ܘܐܬܘ ܥܡܢ | ܡܢ | |
| | ῆλθον [a] δὲ [b] καὶ [c] τῶν | ܬܠܡܝܕܝܐ | ܗܠܝܢ | |
| | μαθητῶν ἀπὸ Καισαρείας[c] | ܕܡܢ | ܩܣܪܝܢ | |
| | σὺν ἡμῖν, [d] ἄγοντες | ܘܕܒܪܢ | ܥܡܢ | |
| | παρ' ᾧ ξενισθῶμεν,[d] | ܡܢ | †ܕܡܩܒܠܢ | |
| | Μνάσωνί τινι | ܡܢܐܣܘܢ | ܚܕ | |
| | Κυπρίῳ, ἀρχαίῳ | ܩܦܪܝܐ | ܡܢ | † |
| | μαθητῇ. | ܬܠܡܝܕܝܐ | ܩܕܡܝܐ | |

† indicates forms new to Palestinian Syriac.

14*b* [a] "*and (we) said*" **S**$^{vg}$.

15 [a–a] "*preparations were made for us* (or *by us*) *to go up*".

16 [a] "*and* there came (with us)" **S**$^{vg}$ ܘܐܬܘ **L**$^{gig}$ *et* venerunt.

[b] *om.* **S**$^{vg}$ **L**$^{\Theta Tp}$.

[c–c] "(of the disciples) *those from* Caesarea" cf. von Soden add και των απο H$^{\delta 6\,(\mathrm{om.}\ \kappa\alpha\iota)\,74}$.

[d–d] "*and we took with us the one who was receiving us as his guests*".

| | | |
|---|---|---|
| 17 *Γενομένων δὲ ἡμῶν* | ܘܟܕ ܕܝܢ ܐܬܝܢ | |
| *εἰς Ἱεροσόλυμα,* | ܠܝܪܘܫܠܡ | |
| [a]*ἀσμένως ἐδέξαντο* | ܒܟܠ ܚ[ܝ]ܒܐ[1] | |
| *ἡμᾶς οἱ ἀδελφοί.* | ܩܒܠܘ ܝܬܢ ܐܚܝܐ | |
| 18 *τῇ δὲ ἐπιούσῃ* | ܘܠܝܘܡܐ ܡܚܪܢܐ | |
| *εἰσῄει ὁ Παῦλος* | ܥܠ ܦܘܠܘܣ ܥܡܢ | |
| *σὺν ἡμῖν πρὸς* | ܠܘܬ ܝܥܩܘܒܘܣ | fol. 1*b* |
| *Ἰάκωβον, πάντες τε* | ܘܟܠܗܘܢ ܩܫ̈ܝܫܐ | |
| *παρεγένοντο οἱ* | ܐܬܘ ܘܥܐܠ | |
| 19 *πρεσβύτεροι. καὶ* | ܒܫܠܡܗܘܢ | |
| *ἀσπασάμενος αὐτούς,* | ܘܬܢܝ [ܠ]ܗܘܢ | |
| [a]*ἐξηγεῖτο καθ᾽ ἓν* | ܟܘܠ [ܚܕ]ܐ | |
| *ἕκαστον ὧν* | ܘܚܕܐ ܐ . . .[2] | |
| *ἐποίησεν ὁ Θεὸς* | ܕܥܒܕ ܐܠܗܐ | |
| *ἐν τοῖς ἔθνεσι* | ܒܥܡܡܝܐ | |
| *διὰ τῆς* | ܒܬܪܒܗ | |

[1] Frt. ܚܘܒܐ (?) (vide p. 214). [2] ܒܥܡܡܐ (?).

17 [a] "*with all affection*" (vide p. 214).
19 [a] "*and* he narrated *to them*" pr. "*and*" **S**$^{vg}$ add "*to them*" **S**.

| | | |
|---|---|---|
| διακονίας αὐτοῦ. | † ܕܬܫܡܫܬܗ | |
| 20 οἱ δὲ ἀκούσαντες | ܗܢܘܢ ܕܝܢ ܫܡܥܘ | |
| [a] ἐδόξαζον [b] τὸν κύριον· | ܘܫܒܚܘ ܠܐܠܗܐ | |
| εἶπόν τε αὐτῷ, | ܘܐܡܪ̇ܘ ܠܗ | |
| Θεωρεῖς ἀδελφέ, | ܚܙܐ ܐܢܬ ܐܚܘܢ | |
| πόσαι μυριάδες | ܟܡܐ †ܪ̈ܒܘܐܢ | |
| εἰσὶν Ἰουδαίων τῶν | ܗܢܘܢ ܕܗܝܡܢܘ | |
| πεπιστευκότων· καὶ | ܡܢ ܝܘ̈ܕܝܢ | |
| πάντες ζηλωταὶ τοῦ | ܘܟܘܠܗܘܢ | |
| νόμου [c] ὑπάρχουσι. | † ܗ̈ܘܝܢ ܠܢܡܘܣܐ | |
| 21 κατηχήθησαν δὲ περὶ | ܫܡܥܘ ܕܝܢ ܥܠ | |
| σοῦ, ὅτι ἀποστασίαν | ܕܥܠܟ ܕܐܢܬ ܡܠܦ | |
| διδάσκεις [a] ἀπὸ | ܝܘ̈ܕܝܢ ܗܠܝܢ | fol. 2*a* |
| Μωσέως[a] τοὺς κατὰ | ܕܒܝܢ ܥܡܡܐ | |
| τὰ ἔθνη [b] πάντας | ܕܢܪ̇ܚܩܘܢ | |
| Ἰουδαίους, | ܡܢ ܢܡܘܣܗ | |

20 [a] *εδοξασαν* D ℵ **L**$^{d\ gig}$ **S**.
[b] *θεον Γ* **E** 383 614 **S**$^{vg}$ **L** (dominum **L**$^{D\ \Theta\ d\ gig}$).
[c] *om.*
21 [a–a] *add του νομου a Μωσ* von Soden I$^{c^2\ 174}$.
[b] *om.* D A **E** 383 **L**$^{vg\ gig}$.

| | |
|---|---|
| λέγων[c] μὴ | ܕܡܘܫܐ ܐܡܪ |
| περιτέμνειν αὐτοὺς | ܠܗ[ܘ]ܢ ܕܠܐ |
| [d]τὰ τέκνα, μηδὲ | ܢܗܘܢ ܓܙܪܝܢ |
| [e]τοῖς ἔθεσι | ܒܢܝܗܘܢ ܘܕܠܐ |
| περιπατεῖν. | ܢܗܘܢ ܡܗܠܟܝܢ |
| | ܒܝܛܣܝܗܘܢ |
| 22 τί οὖν ἐστι; | ܡܢܐ ܐܘܢ ܗܘܐ |
| [a]πάντως δεῖ πλῆθος | ܦܢܛܘܣ ܠܗ |
| συνελθεῖν· | ܐܘܟܠܘܣ |
| ἀκούσονται γὰρ | ܕܝܬܟܢܫ ܥܡ̈ܡܝܢ |
| ὅτι ἐλήλυθας. | ܗܢܘܢ ܓܪ ܕܐܬܝܬ |
| τοῦτο οὖν ποίησον | ܗܕܐ ܐܘܢ ܥܒܕ |
| ὃ σοι λέγομεν· | ܡܐ ܕܐܢܚ ܐܡ̈ܪܝܢ |
| 23 εἰσὶν ἡμῖν | [illegible] ܐܝܬ ܠܢ |
| ἄνδρες τέσσαρες | ܐܪܒܥܐ ܓܒܪܝܢ |
| εὐχὴν ἔχοντες | ܕܠܗܘܢ ܩܝܡܐ[1] |

[1] Frt. l. ܩܝܝܡܐ vel ܩܝܝܡܬܐ.

[c] *add* " *to them* " L^c j (Nestle).
[d] " *their* children " S^vg L filios *suos* (om. suos L^O d).
[e] " in *their* customs ".
22 [a] *om.* (vide p. 214).

| | | |
|---|---|---|
| ἐφ' ἑαυτῶν· | ܥܠ ܢܦܫܗܘܢ | |
| 24 τούτους[a] [b]παραλαβὼν | ܗܠܝܢ ܐܢܘܢ ܕܒܪ | |
| ἁγνίσθητι[b] σὺν αὐτοῖς, | ܘܐܬܕܟܐ ܥܡܗܘܢ | fol. 2*b* |
| καὶ δαπάνησον ἐπ' αὐτοῖς, | ܘܐܦܩ ܥܠܝܗܘܢ | |
| ἵνα ξυρήσωνται [c]τὴν | ܕܢܓܪܥܘܢ †ܪ̈ܫܝܗܘܢ | |
| κεφαλὴν, καὶ γνῶσι | ܘܢܕܥܘܢ ܟܠܗܘܢ | |
| πάντες ὅτι ὧν | ܕܡܐ ܕܫܡܥܘ | 5 |
| κατήχηνται περὶ σοῦ | ܥܠ ܕܝܠܟ ܠܝܬ | |
| οὐδέν ἐστιν, | ܗܘ ܡܕܡ | |
| ἀλλὰ στοιχεῖς καὶ | ܐܠܐ ܕܐܘܦ | |
| αὐτὸς τὸν νόμον | ܐܢܬ ܥܠܡ ܠܗܘܢ | |
| φυλάσσων. | ܡܛܪ ܢܡܘܣܐ | 10 |

24[a] *add* ουν von Soden $\mathrm{I}^{a^1 200}$.

[b-b] "*take and purify thyself*" **S**$^{vg}$ ܕܒܪ ܐܢܘܢ ܘܙܠ ܐܬܕܟܐ **L**$^{d\ (om.\ et)\ gig}$ *hos adsume et* sanctifica te.

[c] "*their* head" **S**$^{vg}$ **L**$^{D\ O\ gig,\ etc.}$ capita *sua*.

| | | |
|---|---|---|
| 25 | *περὶ* [a]*δὲ τῶν* | ܥܠ ܓܒ ܓܪ ܗܠܝܢ |
| | *πεπιστευκότων* [b]*ἐθνῶν* | ܕܗܝܡܢܘ ܡܢ |
| | *ἡμεῖς* [c]*ἐπεστείλαμεν,* | ܥܡܡܝܐ ܐܢܚ |
| | *κρίναντες*[c] [d]*μηδὲν* | ܫܡܥܢ ܘܟܬܒܢ |
| | *τοιοῦτον τηρεῖν* | ܠܗܘܢ ܕܝܗܘܢ |
| | *αὐτούς, εἰ μὴ*[d] | ܡܛܪ̈ܝܢ ܓܪܡܗܘܢ |
| | *φυλάσσεσθαι αὐτοὺς* | ܡܢ ܢܣܣܬܗ |
| | *τό τε εἰδωλόθυτον,* | ܕܨܠܡܐ ܘܡܢ |
| | *καὶ τὸ αἷμα καὶ* | ܐܕܡܐ ܘܡܢ |
| | *πνικτὸν καὶ* | ܗܕܐ †ܕܫܢܝܩܐ |
| 26 | *πορνείαν. Τότε* | ܘܡܢ ܙܢܘܬܐ |
| | *ὁ Παῦλος . . .* | ܒܟܢ ܦܘܠܘܣ |

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25 [a] *γαρ* $\mathbf{L}^{\text{gig}}$ *nam.*
[b] "*from* the Gentiles" $\mathbf{L}^{\text{vg gig}}$ **S.**
[c–c] "*we heard and wrote with regard to them*" cf. $\mathbf{S}^{\text{vg}}$ ܟܬܒܢ $\mathbf{L}^{\text{vg}}$ *scripsimus.*
[d–d] om. ℵ A B $\mathbf{L}^{\text{vg}}$ $\mathbf{S}^{\text{vg}}$ **E.**

A literal English translation is here given; passages or single words where the Palestinian Syriac text appears to diverge from the usual Greek text are printed in italics.

*Acts xxi* (14*b*-26*a*).

14b. . . . we were silent *and said:* The will of the Lord be done. *Beginning of Chapter.* 15. And after these days, *preparations were made for us* (or *by us*) *to go up to Jerusalem.* 16. And there came with us *of the disciples, those from Caesarea, and we took with us the one who was receiving us as his guests,* a certain Mnason, a Cyprian, one of the early disciples. 17. And when we came to Jerusalem, the brethren received us *with all affection.* 18. And on the next day, Paul entered along with us unto James; and all the elders came. 19. And *he greeted them and* narrated *to them* each thing, one by one, of that which God had wrought among the Gentiles by his ministry. 20. And they heard and *glorified God*, and said to him: Thou seest, our brother, how many myriads there are who believe from the Jews, and all of them zealots *unto* the Law. 21. However, men have heard concerning thee, that thou art teaching the Jews among the Gentiles that they should depart *from the Law of Moses;* saying *to them* that they should not circumcise *their* children, and should not walk according to *their* customs. 22. What is it therefore? The multitude is bound to come together, for they will be hearing that thou hast come. This therefore do which we are telling thee. 23. We have four men who have a vow upon themselves. 24. These therefore *take and purify thyself* along with them, and spend money upon them that they shave *their* heads; and all will know that what they have heard concerning thee is nothing at all, but that thou also *dost conform with them* (lit. *followest them*), observing the Law. 25. For concerning those who believe *from the Gentiles, we heard and wrote with regard to them,* that they should keep themselves from sacrifice to idols, and from blood, and from that which is strangled, and from fornication. 26a. Thereupon Paul . . . .

Some gleanings of interest are to be gathered from the variant readings. The reading in v. 16, for instance, " And there came with us *of the disciples, those from Caesarea, and we took with us* *him who was receiving us as his guests . . .*" not only introduces another " we " passage, but implies a different Greek text from that with which we are familiar. The usual reading in the second part of the sentence, referring the participle *ἄγοντες* to the subject of *συνῆλθον*, in this case, " some of the disciples from Caesarea," implies that it was the Caesarean disciples who brought Mnason ; the Palestinian Syriac text states, on the other hand, that it was Paul and his company, of whom the writer was one, *who took with them to Jerusalem* the " old disciple ", Mnason of Cyprus, who was to be their host.[1]

The coincidence of a number of Palestinian Syriac readings with the readings of Latin MSS. need not be further surprising, in the light of the connection which has been shown to exist elsewhere between the Syriac and the Latin versions.[2] The connection has been claimed for the Gospels to be one of direct dependence of Old Latin texts on a Syriac source.[3] The situation may be similar in Acts, and even in these few verses there are Old Latin readings, such as " falsa sunt " in v. 24, found elsewhere in the Peshitta only, which strongly suggest Syriac influence.[4]

On a comparison of this Palestinian Syriac text with the Peshitta, the two Syriac versions appear to have much in common. In v. 19, for instance, two variant readings occur which are found elsewhere in the Peshitta only, and in vv. 16 (omission of *καί*) and 25 (omission of *μηδέν* to *εἰ μή*) two further agreements with the Peshitta text are to be found, though here the variants are attested elsewhere. In vv. 14 and 24 the Greek construction of finite verb and participle (14. *ἡσυχάσαμεν εἰπόντες* ; 24. *παραλαβὼν ἁγνίσθητι*) is rendered in both Syriac translations by two finite verbs joined by the conjunction " and ".

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[1] Cf. A. C. Clark, *op. cit.*, p. 378.

[2] D. Plooij, *A Primitive Text of the Diatessaron* (Leyden, 1923), and *A Further Study of the Diatessaron* (Leyden, 1925). See further F. H. Chase, *The Syriac Element in Codex Bezae* (London, 1893) and *The Syro-Latin Text of the Gospels* (London, 1895). Aramaic influence has been pointed out in Old Latin texts of the Old Testament by A. Baumstark, " Aramäischer Einfluss in altlateinischem Text von Habakuk 3," in *Oriens Christianus*, IIIte Serie, 1931, pp. 163-181, and by C. Peters, " Targum und Praevulgata des Pentateuchs," also in *ibid.*, 1934, pp. 49-54.

[3] Plooij, *op. cit.*

[4] Cf., however, A. C. Clark, *op. cit.*, p. xvii.

It is difficult to say whether this actually reflects a real variant in underlying Greek texts common to both versions, or whether it is simply a "paratactic" rendering serving no more than the common requirements of Syriac idiom. Similarly idiomatic Syriac translation may perhaps be taken as explaining the common rendering of the Greek conjunction δέ by "and" (Waw), e.g. in vv. 15, 16, 17, and 18 (more frequently so rendered, however, in the Peshitta than elsewhere in Palestinian Syriac texts). On the other hand, the common use of the partitive expression "*one of* (ܡܢ) the former disciples" as a translation of ἀρχαίῳ μαθητῇ in v. 16; the expression ܐܚܘܢ, lit. "our brother", in both versions for ἀδελφέ in v. 20; ܒܢܝܗܘܢ "*their* children" for τὰ τέκνα in the following verse; the common rendering of ἀποστασίαν in v. 21 by a finite verb, lit. "that they should depart", and the translation "*we wrote*" for ἐπεστείλαμεν in v. 25, all appear to point to a common element in the two translations which must be otherwise explained. That there is no question here of the Palestinian Syriac translation being simply "a modified transcription of the Peshitta"[1] is clear from the number of independent renderings of the Palestinian Syriac, even in this short passage (e.g. in vv. 15, 16, 21, 24, and 25). The explanation of the common element may be that the maker of the Palestinian Syriac version consulted on occasion the Peshitta, or even used it in the making of the new version. It is not impossible that its familiar expressions kept occurring to him and were incorporated, perhaps quite unintentionally, in the Palestinian Syriac translation.

Attention has already been drawn in the text to new forms of Palestinian Syriac words which occur in the Palimpsest. To the vocabularies of the dialect are to be added the proper noun ܡܢܐܣܘܢ (*Μνάσων*) and the adjective ܩܘܦܪܐܝ (*Κύπριος*), on fol. 1a, lines 14 and 15 respectively. The word ܫܡܫܘܬܐ (διακονία), fol. 1b, line 10, is rare, occurring elsewhere only in Col. iv (17). The verb ܓܠܚ (ξυρᾶσθαι), fol. 2b, line 2, is not traceable in Christian Palestinian Syriac vocabularies; it is common enough in Edessene Syriac and in Jewish Palestinian Aramaic. The use of the word ܛܟܣܐ (i.e. in its origins *τάξις*) on fol. 2a, line 10, as a translation of *ἔθος* is remarkable. Perhaps the nearest approach to this sense is its meaning in Edessene Syriac of " regula ", " statutum ", " *τάγμα* ".

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[1] G. Margoliouth in the *Proceedings of the Society of Biblical Archaeology*, 1897, p. 51.

A few notes are here added on the transcription. On fol. 1a, line 19, the reading ܟܘܠ ܚܡܕܐ is singular. In the word ܚܡܕܐ, the first and the last two letters are quite distinct (the Ḥeth comes up clearly under the violet ray), but the middle letter is uncertain. No combination of letters other than ܚܡܕܐ seems possible. It is not impossible, however, that the original under-writing here has been tampered with, either wrongly retraced or deliberately altered. Perhaps the original reading was ܚܕܘܐ, which may be compared with the Peshitta ܚܕܘܬܐ and the readings of the Old Latin, **L**$^{d}$ *cum laetitia* and **L**$^{gig}$ *cum gaudio*. In the reading which has been restored as a conjecture in v. 19, fol. 1b, lines 6 and 7 (ܟܠܚܕܐ ܘܚܕܐ is the reading of the Harḳleian Syriac), the first letter of the word which is read as ܟܘܠ, which is certainly *either* Kaph *or* Pe, has the suggestion of a looped head, in which case we ought perhaps to read ܦܘܠܘܣ, which is the reading of the Peshitta at this point (two characteristic Peshitta readings occur immediately before these words). The more usual form of the word for " Paul " in the Palimpsest, however, (e.g. fol. 1a, line 22, fol. 2b, line 22), and generally in the Climaci texts, is ܦܘܠܘܣ . The part visible in the second last letter of fol. 1b, line 6, appears to be the loop of a He, and perhaps someone, reading ܗܐ as the last two letters of this word, may be able to make a better suggestion to fill out the lacuna in the MS. at this point. The loop which suggests a He has been taken here to be the end of the Alaph in ܘܚܕܐ, which has been written twice to fill out the line. In v. 22, fol. 2a, line 12, *δεῖ* is translated, as frequently, by the word ܦܢܛܘܣ followed by ܠ and a ܕ clause with the Imperfect. The word ܦܢܛܘܣ is the Greek *πάντως*, and the *πάντως* of the Greek text here is omitted in the Palestinian Syriac, probably because of the word ܦܢܛܘܣ. It may be that a second ܦܢܛܘܣ has been omitted in the Palestinian Syriac text by Haplography.

# THE WORLD OF UR III.

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THE Sumerian tablets in the John Rylands Library with few exceptions are dated in the time of the Third Dynasty of Ur. That dynasty numbered five kings: Ur-Nammu, Šulgi (or Dungi), Bur-Sin, Šu (or Gimil)-Sin and Ibi-Sin. Four of these names are theophoric. Three of them include the name of Sin, the Moon god, the patron of the capital city Ur. Thus by their names the last three kings proclaim the honour and glory of the god who made them what they were: servants of the god for the good-estate of the people of the god at home and abroad.

These five kings ruled in Ur for 108 years, according to one tradition,[1] but 117 according to another.[2] Both these traditions, taken from later lists of kings, may be wrong by a few years. Contemporary *dated* documents which are concerned with city-state business—imports, exports, contracts, deeds of sale and legal decisions—enable us here and there to test the later figures. According to tradition Ur-Nammu reigned 18 years. Confirmation of this number is impossible at present because the quantity of documents of this reign is small. The traditions concerning Šulgi's reign vary from 46 to 57. The latter is certainly erroneous; the former, according to the abundant contemporary evidence in our possession, is very near the truth. Tradition assigns 9 years each to Bur-Sin and Šu-Sin, and, in this, tradition and contemporary evidence agree. Unfortunately from contemporary documents we know only sixteen date formulæ which can with certainty belong to the reign of Ibi-Sin and so we cannot decide between or against the traditions which assign to his reign 24 and 25 years.

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[1] WB. 444, col. viii, line 20 (Oxford Edition of Cuneiform Texts).

[2] See *ibid.*, n. 5.

The hundred and more years covered by the Third Dynasty of Ur have been described as The Sumerian Revival and The Neo-Sumerian Age. Both descriptions call attention to the main fact of this time : the tone of the age was Sumerian. This is remarkable because Ur III was preceded by about three centuries during almost the whole of which the land of Sumer was ruled by non-Sumerian powers. First came men of Semitic speech, Amorrites (?), from the western lands, who founded the glorious Akkadian Dynasty of Agade which endured for almost two centuries. Not long afterwards the land was overrun by the Guti hordes from the Zagros hill country to the north-east. These exercised a rule not easily defined over the cities of the southern valley of the Euphrates and the Tigris for more than a century. Under the Agade kings the language of court and of temple documents was predominantly Semitic, Akkadian. But though the conquerors had their own speech they employed the cuneiform script of the conquered. This fact and more especially the great military successes of the Agade kings in the neighbourhood of Sumer and as far away as the Habur (attested by last year's excavations at Brak) and even farther west in Syria, perhaps tempered the resentment of the native stock and reconciled it to a rule which, though alien, was glorious. But if such considerations were effective propaganda in favour of the Semites, probably nothing weighed with the native population more than this : the foreigners did not change the old religion ; its Sumerian character was retained even though, as is natural, greater honour than ever before was paid at this time to Semitic deities such as Adad of the storm ; Anum, the god of heaven ; and Dagan, whose nature is doubtful but is certainly not any sort of fish-god. These deities survived the non-Sumerian age and were honoured so long as Sumer endured as a political entity. As for the other non-Sumerian power, the Guti, their effect on local affairs was apparently slight. They survived chiefly as a bad memory. Their overlordship contributed nothing of cultural value or change to the land and was perhaps but a means to the exploitation of local wealth.

Meanwhile the ancient cities survived or revived and preserved their Sumerian heritage until the day when it would flourish in peace and independence under native rule.

Twenty-five years or so separate the last king of the Guti from the first of Ur III. We do not know the circumstances which made Ur-Nammu the first king of the Third Dynasty of Ur nor the exact limits of his kingdom. In contemporary royal inscriptions he is styled " King of Sumer and Akkad." Posthumously he is hymned as a ruler over distant lands, but there is no contemporary evidence that he ruled over a territory larger than that defined in the royal inscriptions. But his son Šulgi makes a wider claim. He is not only " king of Sumer and Akkad," but also " king of the four quarters," a sweeping if vague declaration to which contemporary documents can give more precision. His descendants were similarly described : Bur-Sin, Šu-Sin and Ibi-Sin, upon whom the four quarters fell and overwhelmed both himself and his city Ur.

It is regrettable that though we have literally thousands of native records contemporary with the five kings of Ur III, not one of these records is what we should call a ' historical ' record. Historical annals such as have been preserved from the days of the great Assyrian kings of the first millennium B.C. and even the earlier historical tablets from the days of the First Dynasty of Babylon, *c.* 2000 B.C., have not been found in any of the various sites of ancient Sumerian cities and towns. But we are not without evidence of the military exploits and successes of the armies of the kings of Ur III, thanks to the date formulæ on the contemporary records of local administration. In no period of the ancient history of the Near East are date formulæ more valuable for history.

The contemporary records are written on clay tablets. Most of these tablets are of such a size that they can be packed conveniently in boxes little larger than an ordinary match-box or an ordinary twenty-five cigarette packet. Some would not cause inconvenience if carried in the pocket of a waist-coat, and we have known a distinguished scholar—not an Assyriologist !—who did so carry an Ur III tablet as a ' charm ' and was convinced that it brought him good fortune, so much so that when he lost it in Paris he was very distressed. A few tablets that have survived are not much larger than a postage stamp, and in the amount of writing which they bear rival modern records of words crowded into small space. But however small the tablet and however trifling the matter recorded, the day, month and year of the business is given in almost all cases. The names of months reveal the local calendar and the formulæ of the years reveal the chief incidents in national history such as the royal accession, the marriage of a member of the royal family, the installation of a priest, the building of a temple or of a city wall, and, what is more to our purpose here, the contemporary conflicts between the 'powers' of the day in the Euphrates-Tigris valley and in the hill country which is now western Iran. Thus "the year when Šulgi made the city Urbilum to disappear"; "the year when Bur-Sin made the city Šašrum disappear"; "the year when Šu-Sin made the city Zabšali to disappear"; "the year when Ibi-Sin made the city Simurum to disappear."

Informed by such year-formulæ which summarize contemporary military campaigns we are able to pay military honours where they are due. If the first king Ur-Nammu was a warrior he has not said so in any of the date-formulæ which can as yet be said to belong to his reign. But the date-formulæ of many years of the long reign of Šulgi his son commemorate alleged victories over his neighbours. It was probably he who made Ur the centre of the empire which his son Bur-Sin consolidated, his grandson enjoyed (there are only two expeditions mentioned in the date formulæ of his reign), and his great-grandson, Ibi-Sin, lost. Unfortunately we are ill-informed of the final days of the great third and last dynasty of Ur. We know that the royal power passed to one whom Ibi-Sin describes as "a dirty clay-dealer" who was not a Sumerian, and that the king himself was taken captive to Anshan. With him went the statue of the god of Ur, the Moon-god. This statue was recovered from Anshan by Gimil-Ilišu, the second king of the Dynasty of Isin which succeeded that of Ur,[1] It has been suggested that during the reign of Ibi-Sin nomads immigrated into the southern valley in increasing numbers and enlisted in the service of Išbi-Irra the Amorrite of Mari and Buzur-Inšušinak of Elam, against Ur. Some omen texts written on clay models of the liver which have been found during the excavations at Mari recently, refer to the weakening of Ibi-Sin's power to revolts against him and to the ruin of Ur by Elam.[1] But many details of the events of those days are yet to be discovered.

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[1] The Royal Inscriptions of Ur, no. 100, and note to text.

The military expeditions immortalized by the date-formulæ are signs of the efforts made by the kings and their peoples to reach out from the cul-de-sac which Sumer was, to the much larger world beyond. But they are not the only signs revealed to us by contemporary literature. The small tablets which have come to us in such abundance contain many place-names which are of great value in this respect. Most of the places mentioned can be identified with modern sites or areas within Sumer and Akkad. They are mentioned in connection with records of inter-city business and tell us of places between which goods were exchanged and persons travelled. Such names do not take us outside Sumer itself.

But the tablets name other cities and lands and thus they reveal the sweep of contacts, warlike and peaceful, between Ur and the outside world. Elam across the hills, visible from the Tigris, was the foreign land nearest to Sumer. For some part of the period of Ur III it was subject to the kings of Ur. The two countries there were in continuous contact. The family of Ur intermarried with the patesi of Anshan, but this did not prevent a war between the two countries four years later. Many tablets relate to provisions provided to persons travelling from one country to the other on official business, the nature of which is not disclosed. Some of the names of the functions of the travellers are unfortunately not translatable but all are known to belong to one or other of the various classes amongst whom the work of administration was divided in the temple-states of the day. They include messengers, couriers of the king, merchants and men-at-arms.[2]

Besides such peaceful interchange between Ur and the East there was also, and frequently, armed conflict. Armies of Ur marched into the eastern hill country from Susa in the south to the Zagros hills in the north. In and amongst those hills were numerous groups of men under local princes. It is possible now to locate many of these groups, and their existence and history are important for the earliest historical times of Iran.[1]

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[1] *Revue d'Assyriologie*, vol. XXV, 1938, pp. 42-43.

[2] Jean, *L'Elam sous la dynastie d'Ur* (*Rev. d'Assyr.*, Vol. XIX, 1922, pp. 1 ff.).

Furthest from Ur were Urbilum (modern Arbela) near the foothills of the Zagros, Simurrum, on the Lower Zab, and Harshi south of Urbilum. In the hills east of modern Kerkuk were Kimash and Ganhar. In the country running from north to south amongst the hills dwelt the peoples of Lulubi, Marhasi and south of all Anshan. With all of these the kings of Ur were often at war or in uncertain relations. And it was one of these, Anshan, which helped to overthrow Ibi-Sin.

The way of travellers or of armies in and out of the eastern hill country must have been difficult, and only necessity could have taken them there. The necessity was no doubt national 'interests,' economic and imperial. Unfortunately, in the absence of information, we cannot be more precise, but we can, without hesitation, say that the eastern lands tempted the kings of Sumer to go plundering amongst the woods and metal mines for those things which Sumer could not herself provide for the enrichment of her palace and temples.

A longer but much easier road to travel was the road that lay along the Euphrates and led north-westwards to the wealth, native and imported, of Syria. Beyond Sumer and on the banks of the middle Euphrates was Mari. Here recent excavations conducted by the French [2] have revealed the age and splendour of this third millennium city whose residents are occasionally named in records of temple business which have been found in Sumer during Ur III. Semitic names all of them. Further northwards the Habur river reaches the Euphrates. Surveys conducted during the last few years show that the whole of the Habur region is dotted with mounds. Hereabouts where now is waste and desert there were during the third millennium B.C. flourishing settlements well provided with water and products of the soil. Something is now known of a few of these sites. Reports have been published of diggings at Tell Halaf, Chagar Bazar and Brak, by an archæological expedition under the auspices of the British Museum and of the British School of Archæology in Iraq. Readers of the *Illustrated London News* during the last few years will have seen articles and illustrations of the finds on these sites. Everywhere it is the same story of an ancient, thickly populated, highly organised and rich country which must have been the envy of hungry nomads of the desert and the covetous kings in the southern valley.

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[1] Cameron, *History of Early Iran*, 1936, Univ. of Chicago Press.

[2] André Parrot, *Mari, une ville perdue*, and current volumes of *Syria*.

It is to be hoped that excavations will be carried out in areas further west towards the Mediterranean coast so that our picture of the Syria of the past may be complete. Some of the cities of this area are known from Sumerian tablets of Ur III, e.g. Ḫaḫḫum, one of the most important commercial centres of the age, perhaps on the Mediterranean coast; Uršu, classical Rhosus, modern ʻArsūz on the North Syrian Mediterranean coast; Ibla near Aleppo, and Mukish. Here in the neighbourhood of Aleppo was the wealthiest area in the ancient Near East, rich with the native wealth of fields and river valleys, and the imported wealth from the sea and from the metal mountains of the Taurus which no doubt at this time were being worked for the benefit of ancient Anatolia and the flat lands of Mesopotamia. It is likely that more of the place names mentioned on Ur III tablets will be identified, but we know sufficient [1] to realise how wide was the world of the Euphrates and beyond which Sumer knew and which knew Sumer.

When we think of Mesopotamia of the past we think of Ninevah. What of it in the times of Ur III? That it existed in oldest times is certain. Excavations there take us back to the fifth millennium B.C. and its history can be traced in the strata down to the end of the city in 612 B.C. But it seems never to have formed part of any Sumerian empire. There is no local written evidence that the Sumerians ever occupied the place and no Sumerian king has left his name on bricks found here.[2]

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[1] See G. I. Gelb, *American Journal of Semitic Languages*, Vol. LV, no. I, Jan., 1938, pp. 67 ff. for discussion of some Ur III place-names and relevant literature.

[2] R. Campbell Thompson, *Iraq*, 1934, pp. 95 ff.

But there is " a little lapis bead-figure of a Sumerian (now in Baghdad) which at once allows us to assign these beads to the first half of the third millennium B.C. Here, then, is some evidence for the presence of Sumerians at Nineveh."[1] The first contemporary reference to Nineveh is on a Palæo-Assyrian tablet (usually but not quite accurately called a Cappadocian tablet) about two hundred years after Ur III. But a later local story relates that a king of Agade, Maništusu (middle third millennium) came up from the south and built a temple at Nineveh. We cannot doubt that the kings and people of Ur III knew of Nineveh though it may never have formed part of the Sumerian Empire.

Excavations in the neighbourhood of Nineveh have recently been carried out at Tell Arpachiyah, four miles from Nineveh, and at Tepe Gawra, fifteen miles north-north-east of Mosul. The latter place has provided a great sensation which has been described by one of the expedition (American). The most important stratum is stratum XIII, of the Al-'Ubaid period. This " bids fair to constitute one of the most significant landmarks in Mesopotamian pre-history, and, incidentally, in the cultural progress of the most ancient East." The architecture of the place at this time is especially remarkable. Until a few years ago the very beginning of the Al-'Ubaid period, to which stratum XIII belongs, was regarded as the oldest civilisation in Mesopotamia ; an age of well-painted but monotonous pottery. but affording little evidence of other material accomplishments, Gawra radically alters this. The motives and the shapes of the pottery are free from tradition, and so, too, are the buildings and the seals. There are practically no examples of architecture of a like age. At Gawra there was unearthed an acropolis of three temples which enclosed three sides of an imposing main court. The complex makes a harmonious whole, suggesting master builders. " And this in an age recently supposed to usher in settled man in an inchoate and primitive state of civilisation."[2]

Of Al-'Ubaid age, Tepe Gawra is in time and place far from

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[1] R. Campbell Thompson in *Birmingham Post*, 17th April, 1931.

[2] E. A. Speiser, *American Journal of Archæology*, 1937, pp. 190 ff.

Ur and its five kings. But that some of its high artistic achievements were not unique on the Tigris is proved by the discoveries made by the Oriental Institute of Chicago further south in the Diyala river region, where Sumerian civilisation existed at a very early date and can be traced beyond the times of Ur III. The finds at one of the sites in this region, at Khafajeh, have been profusely illustrated in recent numbers of the *Illustrated London News*. They include one of the largest hoards of Sumerian sculpture ever found, a pair of wrestlers in bronze, probably the earliest representation of a sport, vaulted tombs, and ceramic which includes the earliest examples of 'scarlet ware.'

It is therefore plain that on and near the rivers Euphrates, Habur, Tigris and Diyala there were human settlements eminent in material culture long before Ur III. In the light of the most recent excavations we see that Sumer, which only yesterday was almost isolated, was but a small part of a larger world which is gradually being revealed to us. And dotted about in that world were cities which could rival in splendour the magnificence which till lately seemed the peculiar possession of Ur of the Chaldees. The traveller or soldier in the service of the kings of the Third Dynasty of Ur would not have to go far before he arrived at a city as ancient and as splendid as his own. On another occasion an attempt will be made to trace contacts between Sumer and the outer world, using metals and other imports as a clue. On this occasion we may consider one of the native crafts which suggests a link with India. The craft is the craft of bead making. Large quantities of beads have been found in the mounds of Mesopotamia. Decorated carnelian beads have been found not only at Kish, Ur and Tell Asmar, but also in Mohenjo-daro and Harappa in India. Mr. Ernest Mackay in a study of bead making has written: "The great similarity of the patterns on these widely scattered beads strongly suggests that they originated in one centre. It is also significant that in most cases their shapes are alike, and that they occur in levels contemporary with one another. . . . I feel convinced that it was that country—India—that first exported them early in the third millennium B.C., and that afterwards the craft was practised in several countries."[1] Whether the bead maker in Ur III was or was not conscious of his possible debt to his fellow-craftsman in India, his little bead sets free the imagination for a flight to another world.

What of the population of the world of Ur III? After what has been written above it will not surprise us if the whole world met in Sumer, either as residents or in transit. Our chief source of information is personal names which occur in large numbers on Ur III tablets. We may divide the human groups to which they belong into three main classes. First, the Sumerians. Genuine Sumerian names are distinguishable from genuine Semitic names as readily as is the Sumerian from the Semitic language. The majority of personal names from the sites in Sumer so far excavated are Sumerian. Second, the Semites. "Of personal names a very respectable proportion is Semitic, and the bearers of these names occupy no inferior position, but one of complete equality with the Sumerians. Indeed, they are prominent among the local governors of cities subject to the kings of Ur, and those not distant cities, but belonging to the old 'Land', or to districts in the closest touch with it. The conclusion is plain that, if the Sumerians were still somewhat, or even considerably in preponderance, the Semites, descendants of the Akkadian conquerors, had firmly established themselves in the population, and, so far from being considered interlopers, were animated by a common patriotic sentiment with the Sumerians." This excellent summary by Mr. C. J. Gadd[2] is illustrated in detail by the records in the John Rylands Library. We may add that all were welcome who would conform to local rules regulating religion and trade and tribute. Third, the human stocks other than Semitic and Sumerian include Elamites and men of Su. Here we need do no more than call attention to the fact that the place-name *Su* is sometimes[3] used as evidence of the existence in the Mesopotamian plains in the third millennium B.C. of the group known as Subarean or Hurrian. In point of fact the names of the Su men are not by any means all Subarean. But there is no reason why individual Subareans should not have travelled from their habitat in the Upper Zab region, where they are known to have been in the third millennium B.C.

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[1] *Journal of the American Oriental Society*, March 1937, p. 14.

[2] *History and Monuments of Ur*, p. 112.

[3] Especially by Ungnad in his book *Subartu*. Incidentally we may remark how racial mysticism is being introduced by German Assyriologists into history of ancient Mesopotamia. Ungnad, for example, in the first chapter of the book quoted. But more daringly, W. F. von Soden in his *Der Aufstieg des Assyrerreichs als geschichtliches Problem*, 1937, where he argues that it was the Aryan Hurrians who made Assyria great!

One gets the impression from the data provided by literary and non-literary remains discovered on the sites of ancient Sumerian and non-Sumerian towns that a traveller of those old days would not feel a foreigner anywhere along the rivers Euphrates and Tigris except in the northern mountains where these rivers had their rise. Language certainly would be no difficulty. In Sumer the language was non-Semitic. But Semitic was known and used, though rarely, in documents. Šulgi employs it here and there in his royal inscriptions and a few of the common records are written in Semitic.[1] Elsewhere Semites formed the bulk of the population and their language was the common speech. And in other cultural respects also there seems to have been a homogeneity as has been shown on the evidence of archæology by M. Andre Parrot.[2] In the matter of religion, contemporary custom and 'theology' were very accommodating. There was every argument for and no argument against a visitor paying such honours to the local deities in the local temples as were paid by natives of the place. Only a refusal would have been reprehensible. And in 'social order' there was probably uniformity throughout the whole of that world of Ur III. When the traveller passed out of the area subject to the emperors ruling from Ur into the smaller city-states he entered something which differed in size only not in kind. He saw the same principles at work: what we are to-day tempted to describe as the Fuehrer-prinzip and State-socialism.

In Sumer as in Egypt material prosperity depended on two things, the one impersonal: river-water; the other personal: human co-operation under a central authority. Without the former the land and the people would die. Without the latter the rivers could not be controlled so as to provide the largest possible area of land with the largest possible amount of water. The characteristic of Sumerian life whether of independent city-state or of kingdom was centralization. The centre of the life of city, capital or not, was the temple. The centre of authority was the god in the temple ; the central store of the city's wealth was the temple ; the chief owner of property, and apparently the only owner of land, was the temple. To say temple is to say The State. It was the focus, the pivot of all city and national life. Men were in the town or the city for the sake of the temple. It was the end, the purpose of all activity of the community. It made the inhabitants one. It gave them meaning. It reflected their works. From it there was no escape. Apart from it there was no life for any or for all. It was employer and paymaster. It was the master of kings. It legislated for kings, and through them for the people.

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[1] Examples in *Revue d'Assyriologie*, 1916, p. 132 s.; 1935, p. 190.

[2] *Ibid.*, Vol. XXXI, p. 180 ss.

In and around and by the temple men and women were organised for its service in shrines, palaces, fields, courts, weaving-shops, stores, and other departments which supplied local needs of body and soul. The perfection of national organisation to which contemporary evidence, especially in Ur III, bear witness is truly amazing. Every man was expected to, and in fact did, contribute his share according to opportunity and talent towards the building up of city and kingdom in peace and war. All things in the city were for use primarily and for the use of the community. The common good was the aim and the test of individual effort. It is true that officials expropriated public goods. Kings and priests and 'laymen' looked after themselves. But such conduct was contrary to the theory governing the state and was denounced as such on occasion, e.g. under Urukagina of the city Lagash in the middle of the third millennium. That king condemned the malpractices of his time and city as contrary to the former laws which he restores for justice' sake.

Under the god and at the head of the state or kingdom was the king. He was the visible head of a theocracy, but the servant of god and, in theory, the servant of man whose good estate and rights he was divinely appointed to protect and to further. Now in the Third Dynasty of Ur the kings were divinised.

Earlier kings had received special help from the gods, who had infused into them knowledge and wisdom and strength. But in Ur III the king was given a title which when translated runs, e.g. the god Šulgi. By what methods this change was brought about, by what authority and with what sanctions, we do not know. But the fact is certain [1] and the influence of this added glory must have been immense. The successes at home and abroad must have justified it in the eyes of the nation. Such divination, to give it an ambiguous name, gave a sacredness to the commands of the king, and added impulse to the obedience of his subjects. His works and purposes take on the sacredness of his person. And because as vicegerent of the national god he controls the entire resources of the state, both things and persons, the means to the attainment of his sacred purposes are to hand. Such ' divinity ' releases all the energies of the state for state ends whether good or bad.

The efficient control from one centre, the temple, of a mass of docile labour, and the direction of the energies of the Sumerian kingdom by the kings of the Third Dynasty of Ur explain the success and the meaning of the kings and their city in the world of their day.

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[1] Cp. Fish, *The Cult of King Dungi (Šulgi)* in the 1927 July number of the BULLETIN; and *The Contemporary Cult of Kings of the Third Dynasty of Ur* in the 1928 January number.

# AN EARLY SEVENTEENTH CENTURY CALENDAR OF RECORDS PRESERVED IN WESTMINSTER PALACE TREASURY.[1]

By F. TAYLOR, M.A., Ph.D.

KEEPER OF WESTERN MSS. IN THE JOHN RYLANDS LIBRARY.

THE calendar below, which is of records formerly preserved in the Treasury of the Receipt of the Exchequer in Westminster Palace, is printed from three manuscripts, two in the John Rylands Library and one among the series known as "Agarde's Indexes" at the Public Record Office.[2] The former were acquired by the Library in 1915 as part of a collection of seventy-eight manuscript volumes,[3] the nucleus and probably the bulk of which belonged to Scipio Le Squyer, a Deputy Chamberlain of the Receipt from 1620 until his death in 1659. Some twenty volumes, containing, with two or three exceptions of antiquarian interest, carefully indexed abstracts and calendars of records formerly deposited in the Treasuries at Westminster and in the Tower, are wholly or partly in his hand; the covers

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[1] I take this opportunity of thanking the Librarian, Dr. Guppy, for the facilities he has granted me while this article was in preparation, and Mr. L. E. Tanner, Keeper of the Muniments and Library, Westminster Abbey, for kindly forwarding the extracts from the Abbey muniments referred to below (pp. 239, 240 n. 7, 241).

[2] Vol. 45. This volume does not appear to be mentioned by Giuseppi. In Scargill-Bird's *Guide* (p. 277) it is described as "An old repertory to certain documents in the Chapter House at Westminster." Strictly, it is a seventeenth-century repertory of records in the Palace Treasury; these, together with the contents of the three other Treasuries of the Receipt, were merged in the Chapter-House in the eighteenth century.

[3] Listed by R. Fawtier, *Hand-List of Additions to the Collection of Latin MSS. in the John Rylands Library* (1921), pp. 15-21, where (p. 19) for "See MSS. 221, 237" read "MSS. 224, 252." Nothing is known of its history save that for over two centuries before its acquisition by the Library it was in the possession of a firm of Lincoln's Inn solicitors.

Fray Re: Recuperatio pro Mo de magna Munden pro Ric̃o Fray vs Simon Rede. Hertf Munden
Termino hill Ao 38 Hen 6. rot. 41.

Two peeces of Evidence concerning the water of Tyne & the devision of Northumberland from the Bishoprick of Durham Northumb Tyne

Indentures for deliverie of plate Jewels Crownes &c Plate &c
Persimul ligata.

In a Cupbord in the wall Eastward at the furmost
end marked with Chalk thus X are conteyned.

In a wooden round box the graunte made by Henrie Earle of Northumberland to King Hen. the viiith, of the honor of Petworth and divers other landes in Wales Dated. 26. Hen. 8. Sussex Petworth Wales

Eighte Rolles of the Pipe Accomptes of the times of Hen. 2. Ric. 1. John. Hen. 3. and Edw. 1. in one bundle bound together.

Two Rolles of Charters supposed about Hen. 2 time dilacerati et simul ligati

A bundle of Accomptes of Normandie conteyning 9 } H 7. Ric. 1. K. Jo: Normandy
Another conteyning some of the same times. —— } H. 13.

Co Warren Carta Regis Edwardi secundi fra Johi Comiti Warenn de Castro et [illegible] Pekerosta de Alto Pecco sibi et heredibus Ao quarto Ed. 2. Peke

Rx Roman Potestas data Vic. Reg. Romanorum per dnm Edwardum ad ordinandum de terris suis et libris quando venit ultra mare in terram sanctam.

Jo. de Eltha Carta Edwi secundi fra Johi de Eltham filio suo de honore de Tutburye et aliis cum Comitatu [illegible] Tutbury

V Bechamp An Indenture of exchange of landes in the west, betwixt King Hen. the 8. ao 29. H 8. and Sr Edward Seymour knight viscount Beauchamp

In the furmost press on the right hand over against
the Midle rank are conteyned as follow thus marked ✱

Spencer Coffers and boxes of old evidence touching the landes sometymes the Spencers father & sonne Spencers landes

Also the old evidence of the Priory of Lewis, for their landes in Norff Suff & Suss Sussex Lewis

Old Evidence of the Priorie of Anglesey in the countie of Cant, m. 160 by themselves Cant Anglesey

of seven of these bear his arms,[1] one is stamped with the royal arms.[2] Of the remainder, some forty-five volumes contain similar abstracts and calendars, for the most part in a few constantly recurring hands. The collection, in fact, parallels "Agarde's Indexes,"[3] with an admixture of antiquarian items.[4]

The Treasury in the New Palace of Westminster, the second of the four Treasuries, enumerated by Agarde in his *Compendium*, was situated over the gateway leading from St. Margaret's Lane into New Palace Yard, consisting of one chamber in the Gate-House, "locked with three lockes and keyes."[5] It contained, apparently, some of the more select and valuable records,[6] these being placed in wainscot presses and cupboards as set out below. In an account made by Squyer in the early twenties of the century of the records and treasure at that time in charge of the Deputy Chamberlains, it is stated that "In the Pallace Tresory they haue Cardinall Wolseys papers, traytors' evidences, the old stamps for coyne, Pells of Exit and Ihtroitus, bookes of victualling and building, Orders of S^t^ Georg and S^t^ Michaell, Hen. 8^s^ diuorse, and infinite other records of remarkeable consequence."[7]

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[1] Lat. MSS. 289-91, 294, 316, 317, 322. In two of these (289, 316) the arms are flanked by the initials S.S., and in four cases the motto "Fidelis Armiger" occurs under the coat (291, 294, 317, 322).

[2] Lat. MS. 260 (Fines, Richard I—Edward IV); it was completed in 1625 (f. 6).

[3] Lat. 318 is in Agarde's hand. It consists of extracts from and copies of various records and MSS., some preserved in the Treasury of the Receipt (including copies of bulls made in March, 1608; cf. Agarde's Ind. 6, ff. 191-6), others privately owned. Cf. British Museum, Stowe MSS. 527-31. In Ryl. Lat. MS. 306 (f. 30) is a copy of "A discourse concerninge the Assaie of goulde and silver, made by Arthur Agarde to the Lord Tresorer, 29 Junii 1592."

[4] Including an armorial of Sir Simonds D'Ewes (*v. inf.*, p. 240). The Rylands volume of the Fountains Abbey Cartulary is also in this collection; inserted at the front is a note in Dugdale's hand: "This is one of the Lieger-bookes of the Abby of Fountaines. The booke I desire is the Lieger-booke of the priorie of S^t^ Nicholas neere Exeter." The "Lieger-booke" of St. Nicholas was given to Squyer by Cotton (*v. inf.*, p. 241).

[5] Palgrave, *The Antient Kalendars and Inventories of the Treasury of H.M.'s Exchequer*, ii. 322. [Thomas Powell], *The Repertorie of Records* (1631), p. 28. The Gate-House is described on 10 March, 1740, as having been "lately pulled down" (P.R.O., Exch., T.R., E 101/337/19 *dorso*).

[6] Cf. Ayloffe, *Calendars of Ancient Charters*, p. xliii; Palgrave, *op. cit.*, i. cxxviii.

[7] *Inf.*, p. 339.

Among the "other records" were accounts of the Chief Butlers, of Calais and the Staple there, and of the French possessions, Assize Rolls, the Hibernia bag, papal bulls, and numerous surveys, accounts and inventories. Agarde compiled his well-known *Compendium* of these in 1610.[1] Judged by mere bulk, the Calendar below is some twelve times as long as the *Compendium* for the Second Treasury.

The Rylands calendar is contained in two undated manuscripts, Lat. 323 and Lat. 322. The former is the earlier of the two, the latter being in part a mechanical copy of it and in part an improved copy. Lat. 323[2] is in one formal and unidentified hand throughout, and was written in or after July, 1621,[3] and, probably, before April, 1632.[4] It bears on the outer front cover, in another seventeenth-century hand, the title "A Repertory of y^e^ Records in y^e^ Custody of y^e^ Chamberlaynes of y^e^ Receipt," underneath which is "In the Pallace Treasury." Squyer has added his signature to the title, and made two additions in the manuscript, one of two lines (inserted), the other of three-quarters of a page (in a blank).[5] Lat. 323 is itself a copy. It contains, for example, two cases of "skipping," one resulting in two presses being telescoped,[6] the other leading to the incorrect ascription of certain bulls in press R to Celestine V, for Clement V;[7] both are corrected by Squyer.[8] On two occasions the writer includes cross-references with folio numberings incorrect for his manuscript,[9] which indicates mechanical copying, as do also a reference " verte folium " to a facing page [1] and a number of misreadings of words, such as " Siciro " and " Scilus " for the abbreviated forms of " Scaccario " and " Secundus." [2] Three notes of redeliveries, all uniform with the text, have also been incorporated,[3] and certain gaps occur.[4] The manuscript from which Lat. 323 was copied does not appear to be extant, but it (or a copy of it), at a later stage,[5] was the source of Ag. Ind. 45. The latter agrees very closely with Lat. 323, both as regards its descriptions and (unlike Lat. 322) in its arrangement, but incorporates two redeliveries of a later date (1624),[6] adds that the " old evidences of St. Trinities of London " were put into money bags [7] and that an item in the press marked with a Ꝑ had since been transferred " alibi inter fedora," [8] and, finally, includes an item (in the same press) not in Lat. 323, with the note " this was transcribed into pure French by commaundment of our soueraigne lord King Charles and delivered to his owne royall hand by me, J.B." [9] This dates Ag. Ind. 45 in or after 1625, as the note, in common with the deliveries and redeliveries, has been mechanically incorporated by the copyist.

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[1] Printed by Palgrave, *op. cit.*, ii, from Agarde's Ind. 44, ff. 1-10. For other copies *v. inf.*, p. 235 n. 5.

[2] The calendar fills ff. 1-30v. and a note of certain court rolls ff. 31-2; the remaining leaves are blank.

[3] Immediately following the calendar and in the same hand is a note of a delivery of certain court rolls on 29 July, 1621 (listed on ff. 31-2). This bears every indication of having been written at the same time as the calendar and seems to have been mechanically copied by the writer from his exemplar (cf. *inf.*, p. 232 n. 1). The latest date included in the calendar itself is 1619 (*inf.*, p. 287 n. 9).

[4] *V. inf.*, p. 237.

[5] *Inf.*, pp. 266, 317 n. 11.

[6] *Inf.*, p. 266.

[7] *Inf.*, p. 262 n. 2.

[8] I.e., in Lat. 322. He also inserts in Lat. 323 that portion omitted due to the two presses being telescoped (*inf.*, p. 266 n. 6).

[9] *Inf.*, pp. 267 n. 9, 309. Squyer (in Lat. 322) obviates the necessity for the first by bringing forward the documents referred to, *v. inf.*, p. 236; the second is mechanically copied by his continuator. The cross-references would, of course, be later additions in the exemplar (cf. *inf.*, p. 232 n. 6).

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[1] *Inf.*, p. 311.

[2] E.g. *inf.*, p. 315. Numerous other instances of copying occur.

[3] *Inf.*, pp. 287 n. 9, 298, 299 n. 1. To note that a document delivered in 1611 was returned in 1615 (*inf.*, p. 299 n. 1) is pointless in a calendar written some years after the latter date. Thus one of the three falls in that part of Lat. 323 covered by Squyer, who was not a mechanical copyist ; he omits it from Lat. 322 (*inf.*, p. 287 n. 9). The other two fell to his continuator.

[4] One gap of three-quarters of a page was filled in afterwards (as the spacing shows) by Squyer, *inf.*, p. 317 n. 11.

[5] A good example of the manner in which later officials added to a repertory is provided by Ag. Ind. 44. Whole items and additions to items are inserted by Le Neve and others (e.g. ff. 2v., 3v., 4, 7), and notes added throughout in the margins by, e.g. John Bradshaw, Squyer (his hand occurs on f. 3), Lowe and Le Neve. See also *inf.*, p. 232 n. 6.

[6] *Inf.*, pp. 298 n. 5, 299 n. 6. They are of documents the delivery (1615) only of which is incorporated in Lat. 323. Ag. Ind. 45 also notes a delivery and redelivery where Lat. 323 has only the latter (*inf.*, p. 287 n. 9) ; all, again, are incorporations. Both note a delivery to " Sir Lionel Cranfield " in 1616, although Ag. Ind. 45 was written in or after 1625 ; Cranfield became Earl of Middlesex in 1622. Squyer makes the alteration (*inf.*, p. 288).

[7] *Inf.*, p. 294. This addition is also made by Squyer in Lat. 322.

[8] The item transferred is struck through (*inf.*, p. 304 n. 7). It is not struck through in Lat. 323, and there is no mention of its transfer.

[9] *Inf.*, p. 305 n. 7.

"J.B." is presumably John Bradshaw, who succeeded Agarde and was Deputy Chamberlain from 1615 to (?) 1631, but no part of Ag. Ind. 45 is in his hand,[1] although a marginal note on f. 41 appears to be his. The two cross-references mentioned above are also included, but blanks were left for the folio numbers which were not filled in;[2] that portion containing the documents referred to is in another hand. The reference "verte folium" was also copied in part, although the documents concerned are on a facing page; the copyist, realizing this after writing "ver," struck it through.[3] Compared further with Lat. 323, Ag. Ind. 45 drops two items[4] and has a number of minor omissions.

The arrangement of Lat. 323 and Ag. Ind. 45 is identical. Both are copies of a calendar to which had been added three supplementary lists of documents for presses already dealt with and the contents of an additional press. Thus, taking the former as an example, Lat. 323 falls into three parts: f. 1, ff. 1v.-16v., and ff. 17-30v.,[5] of which ff. 1v.-16v. represent the body of the exemplar. Ff 17-30v. contain supplementary lists of three groups of documents for three presses[6] dealt with on ff. 1v.-16v., given after the conclusion of the calendar itself, cross-references being made to each from these presses. F. 1 begins "In the presse followinge [*sic*] are contained the subscribed," followed by a list of documents which fills the page. This description is clearly out of place, but it is not an omission later inserted at the front of the manuscript,[7] nor does it contain any indication as to its correct position, which we know from Squyer's copy in Lat. 322.[1] As, therefore, the copyist of Lat. 323 (as of Ag. Ind. 45) began his manuscript with it, it presumably occurred at the beginning in his exemplar. The significant point about it, in view of the relation between the *body* of Lat. 323 and Agarde's *Compendium* (see below) is that it describes a press, and the only press, in Lat. 323 (and Ag. Ind. 45) additional to the presses given in the *Compendium;* it is apparently a description added later to the exemplar[2] when the press (incidentally one of those in the middle, which were presumably moveable) was added to the room, and is misplaced in Lat. 323 and Ag. Ind. 45 because the writers of those two copies, unlike Squyer in Lat. 322,[3] mechanically followed the arrangement in front of them. This is made clearer by comparing the body of Lat. 323 (ff. 1v.-16v.) and Ag. Ind. 45 (ff. 6-29v.) with the *Compendium.* For the Second Treasury, at least, that work, as its title indicates, is a shorter account of a longer "booke." A shorter account, that is, in the case of eight presses only; for the rest the descriptions in the "booke" were no longer than those in the *Compendium* itself. This is clear from the latter, in which Agarde indicates those presses the contents of which were calendared more fully "into a booke";[4] in four cases with the number of leaves filled by the longer descriptions and in three with the actual folios on which they occurred.[5] The book itself does not appear to be extant;[6] it was missing in the days of Le Neve at the end of the century.[7] But it is the contents of precisely these eight presses which are set out with fullness in Lat. 323 and Ag. Ind. 45,[1] and with an approximation in length to Agarde's longer descriptions in the four cases for which he gives figures ; [2] the descriptions of their remaining presses [3] agree in brevity and, with minor variations only, in wording with those of the *Compendium.*[4] There is a small difference of arrangement in Lat. 323 and Ag. Ind. 45 compared with the *Compendium.* They begin the calendar (f. 1v. and f. 6 respectively), not with the five briefly-described presses with which the latter opens, but with A (the sixth) ; A, incidentally, is the first press for which Agarde mentions the existence of a fuller list. The order of contents is otherwise exactly the same, the five merely being placed *en bloc* at the end in Lat. 323 and Ag.

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[1] Ag. Ind. 45 is in three or more (unidentified) hands. On ff. 54-5 is the note of certain court rolls which also occurs in Lat. 323 (*sup.*, p. 230 n. 3). Ff. 56-68v. contain an index.

[2] *Inf.*, pp. 267 n. 9, 309 n. 2. [3] *Inf.*, p. 311 n. 3. [4] *Inf.*, pp. 328, 329.

[5] Ag. Ind. 45, ff. 5v., 6-29v. and 30-52, respectively.

[6] *V. inf.*, pp. 267 *sqq.*, 311 *sqq.*, 313 *sqq.* (notes) and p. 236, respectively. Note particularly Ā (*inf.*, p. 267, nn. 6, 9). The cross-references, as already stated, have in every case in each MS. been mechanically incorporated. Bound in with Ag. Ind. 45 is a seventeenth-century list (ff. 3-4, hand unidentified) of two pages for P͙ corresponding to the description of this press in Lat. 323 (*inf.*, pp. 303-9), less five items and part of another item; three of the five and the part have been added by another hand. This list has no cross-reference after "Que nunc prescribere longum est," as have Lat. 323 and Ag. Ind. 45 (*inf.*, p. 309). For similar rough lists cf. *ib.* ff. 2, 70; Ag. Ind. 27, last three pages.

[7] It occurs at the front in both Lat. 323 and Ag. Ind. 45, which are independent copies, and is numbered (originally) "1" in both. See also *inf.*, p. 235 n. 3. It is the only press without letter or sign.

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[1] *V. inf.*, pp. 236, 260-1.

[2] Apparently on the page facing f. 1 of the exemplar. Note that it is on the verso facing the first page of the calendar in Ag. Ind. 45 (although that MS. is a copy) and see below, p. 235 n. 3.

[3] Squyer, who was not a mechanical copyist, places it in what was presumably its correct position, after A (*inf.*, p. 260).

[4] He is cited *inf.*, pp. 244, 261, 263, 287, 293, 295, 300, 308 (notes).

[5] Cited *inf.*, pp. 244, 287, 295, 300, and 295, 300, 308 (notes), respectively.

[6] I take this opportunity of thanking the officials at the Record Office for assistance in trying to trace it. They have kindly informed me that it seems unlikely that it has survived.

[7] As he notes in the margins of the *Compendium* in Ag. Ind. 44 (cited as in n. 4 *sup.*). Cf. Devon, *Issues of the Exchequer during the reign of King James I*, p. 183. Le Neve was Deputy Chamberlain from 1684 to 1712.

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[1] *Inf.*, pp. 244 (A), 261 (R), 263 (Th), 287 (Collected 1610), 293 (X), 295 (⊕), 300 (Hibernia), 303 (Ꝑ). In the *Compendium* they are described by either a brief heading or the citation of a few items ; these items, too, are given by Agarde and by Lat. 323 and Ag. Ind. 45 in almost identical words, e.g. the fourteen in the last-named press (*inf.*, p. 303 n. 5). Note that Lat. 323 and Ag. Ind. 45 have incorporated a delivery of 1611 (*inf.*, p. 299 n. 1), which takes us back to Agarde's day, and *v. inf.*, p. 311. He died in 1615.

[2] Namely, A six leaves (12 pp.), "Collected 1610" two (4 pp.), ⊕ two (4 pp.) and "Hibernia" one leaf (2 pp.). Satisfactory comparison with Ag. Ind. 45 is not possible owing to the different hands and varied spacing. In Lat. 323, however, which is evenly spaced and in one small, neat hand throughout, these presses fill eleven, three and a half, three, and two pages plus six lines, respectively ; in its description of "Hibernia" is a blank not in Ag. Ind. 45 (*inf.*, p. 301), which may account for the discrepancy of six lines in figures otherwise consistently less than and approximating to Agarde's. The only other case in which Agarde refers to the "booke" is for the press containing bulls ; these were "put into 4 severall bagges, every one marked with a lettre A : B : C : D : and kalendred into a booke, the number of every Pope's time." See *inf.*, pp. 261-3.

[3] I.e. in the body of these MSS. *V. inf.*, p. 286 n. 7.

[4] Verbatim agreement in the case of the presses containing Assize rolls is not surprising ; a short description could hardly be otherwise than "Assise tempore Regis" plus the name. But, apart from these cases, see e.g., *inf.*, pp. 266, 286-7, 294, 310-11. Note 𝔄 (*inf.*, p. 267 n. 6) which in the *Compendium* is stated to be empty, its contents having been transferred to the Abbey. This is also noted in Lat. 323 and Ag. Ind. 45, which in addition refer to documents which replaced those transferred ; these, however, are given, not at 𝔄 itself, but after the conclusion of the calendar, with a cross-reference (*inf.*, p. 267 n. 9). The only difference as regards these remaining presses is that Lat. 323 has two small additions ("Item 3 rolles . . . Aule Regis" and "H. 8," *inf.*, pp. 266, 310) and Ag. Ind. 45 a third (adding at the end of a press that certain evidences were placed in money bags, *inf.*, p. 294). On such additions *v. sup.*, p. 231 n. 5.

Ind. 45.[1] In this respect it is interesting to note that in Ag. Ind. 41 are four and a half pages of extracts, mostly abbreviated, described as " part of the Kalender [of records in the Palace Treasury] taken out of a thin booke covered with parchment and tyed together with red tape, and this booke lyes in the cubbard amongst the rest of the Tally Court books, in the Treasury adjoyning to the Tally Court " ; they are in the hand of John Lowe, who cites the folios on which each extract occurred and the press in which it was kept.[2] Comparison shows that the " Kalender " must have been identical with the one printed here, and that "the thin booke " was almost certainly Agarde's missing book.[3] All the extracts occur below, and the arrangement and bulk of the presses is the same as that in Lat. 323 and Ag. Ind. 45. Agarde's work in the direction of cataloguing seems to have been used as a basis by his successors throughout the century. Thus Bradshaw, Squyer, Lowe and Le Neve used his *Compendium* as a check-list ;[4] the value placed on that work is shown, too, by the number of seventeenth-century copies extant.[5] That additional material of his was being drawn on for the present calendar is clear from ♈ ; the cross-reference from that press states that its contents were " postea reuisa et abbreuiata per Arthurum Agarde." [6]

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[1] I.e. at the end of the body of these MSS., *inf.*, pp. 310-11. This closeness of agreement contrasts with Powell's *Repertorie* (pp. 28-33), where the order of presses throughout is quite different, although he, too, was drawing on Agarde.

[2] Ag. Ind. 41, pp. 451-5. The rest of the volume contains abstracts and extracts of Quo Warranto records made by Lowe between 1667 and 1691.

[3] As stated above, in referring from the *Compendium* to his " booke " Agarde mentions the actual folios on which three of the presses would be found ; these are ⊕ " 15," Hibernia " 17 " and Ᵽ " 19." The same presses are mentioned as beginning on these folios in Lowe's extracts (Ag. Ind. 41, pp. 453, 454). The arrangement of the " Kalender " he used, compared with Lat. 323 and Ag. Ind. 45, was : f. 1v. (the additional press), ff. 2-20v. (the body), ff. 21v.-29v. (additional lists for ♈ and Ᵽ). He does not give any extracts from the additional list for Ā ; note that this occurs at the end in Lat. 323 and Ag. 45.

[4] *V. sup.*, p. 231 n. 5.

[5] E.g. Ag. Ind. 44 and 46 ; B.M. Add. MS. 25,256 ; Lansdowne MS. 137 (which has Agarde's motto stamped on the binding) ; Cotton MS. Vesp. C. XIV (ii. ff. 205 *sqq.*) ; Harl. MS. 94 (ff. 48 *sqq.*) ; All Souls Coll., Oxford, MSS. 207 and 219. The account of the Four Treasuries in Powell's *Repertorie* (1631) was also based on Agarde.

[6] *V. inf.*, p. 311.

The calendar in Lat. MS. 322[1] is in part a mechanical copy of that in Lat. 323. It is in two hands; the first (ff. 80-97, line 19) is Squyer's; the second (ff. 97, lines 20-105v.) unidentified, although found elsewhere in the Rylands collection in conjunction with Squyer's.[2] Squyer clearly had Lat. 323 in front of him when making his copy,[3] but, not content with mere reproduction, he checked it,[4] making some additions[5] and many corrections. In two places he rearranged its order of contents. The press described out of order in Lat. 323 (f. 1) is given what was presumably its correct position, after A.[6] Secondly, he obviated the necessity for the cross-reference at press Ā by bringing forward the documents referred to.[7] His intention, apparently, was to make a "final copy" of the calendar, for, in addition, he provided an index by adding three marginal columns containing, from left to right, names of subjects and persons, names of counties, and names of places occurring in the descriptions. But at a point corresponding to the foot of a page (f. 12v.) in Lat. 323 his hand breaks off.[8] His continuator was a mechanical copyist, laboriously reproducing the remainder of Lat. 323, its marginals and its slips, not without some minor misreadings of his own. On one occasion he copies into his margin a folio-numbering of Lat. 323,[9] in three places corresponding to the top of a page in Lat. 323 he unnecessarily reproduces in the middle of his text the press-marks which that manuscript, following its practice throughout, has at the head of each page,[1] and he copies again the already incorrect cross-references,[2] leaving the documents referred to at the end.[3] Had Squyer continued he would undoubtedly have brought them forward, as he did in the case of Ā. Lat. 322 is undated, but a reference to the Earl of Middlesex shows that it was written in or after September, 1622.[4] A probable *terminus ad quem* is provided by an entry in Squyer's list of the manuscripts in his library, drawn up in April, 1632: "Repertory of records in y$^{e}$ Receipt. 2 [copies]."[5] As we have seen, both Lat. 323 and Lat. 322 were in his possession, the latter bearing his arms and motto stamped on its binding.

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[1] Indexed "Adiudicata abbreviata" down to Henry V, in Squyer's hand, fill ff. 1-48v. and the calendar (entitled "A Kalendar of y$^e$ Records in y$^e$ Receipt of Excheq$^r$") ff. 80-105v.; the remaining leaves are blank. On the contemporary calf binding the Squyer arms and the motto "Fidelis Armiger" are stamped in gilt.

[2] E.g. in Lat. MS. 291, where it shares with Squyer's hand indexed abstracts of "Placita ad Parliamentum," 18-30 Edward I.

[3] Thus his hand ends at a point corresponding to the foot of a page (f. 12v.) in Lat. 323. We know that Lat. 323 was in his possession (*v. sup.*, p. 230) and his continuator also copied from that MS. See also *inf.*, p. 237.

[4] His hand occurs twice in Lat. 323 itself, correcting a case in which two presses had been telescoped and filling in a blank (*inf.*, pp. 266, 317 n. 11).

[5] E.g. *inf.*, 262, 265, 270. But compared with Lat. 323 Squyer omits two items, all apparently slips in copying (*inf.*, 256 n. 7, 288).

[6] *Inf.*, pp. 260-61. For Lat. 323 f. 1, *v. sup.*, pp. 232-3.

[7] *Inf.*, pp. 267 *sqq.* As these are listed on the concluding pages (ff. 25-30v.) of the calendar in Lat. 323, that MS. must have been completed before Squyer began his copy.

[8] *Inf.*, p. 297.

[9] *Inf.*, p. 305 n. 4.

Squyer has been comparatively neglected.[6] He was the eldest son of Edmund Le Squyer (third son of George Squyer of co. Stafford, esq.) and his wife Martha (second daughter and coheir of Mark Slader of Bath and his second wife Katherine, née Wood, of North Tawton, co. Devon),[7] and was born in 1579, perhaps at North Tawton,[8] where his parents had been married on 17 June, 1576;[9] King's Nympton, co. Devon, of which his father became Rector, has also been suggested, but Edmund does not seem to have gone there before 1584.[10] Both occur at King's Nympton in 1595, when the Will of Henry Tucker, a husbandman of that parish, dated 3 June, was witnessed by "Edmonde Squer [*sic*], Pastor of King's Nympton, and Scipio Squier his sonne, the writers thereof."[1] When eighteen Scipio left home for London, which he reached on 15 December, 1597.[2] In January, 1599, he entered New Inn, an Inn of Chancery affiliated to the Middle Temple, and was a student there four years. Nothing seems to be known of him during these years—the records of New Inn, save for a few trifles, are apparently lost—but it was probably at this time that he met or renewed acquaintanceship with John Doddridge[3] (also a Devonshire man, later Sir John and a justice of the king's bench) who lectured at New Inn in 1602 and 1603 on the law of advowsons. In 1603 he was "preferred" to Doddridge, becoming his marshal, a position he held "in a most free waie," as he informs us, until the Justice's death on 13 September, 1628. Squyer's antiquarian interests at this time are shown by his collection (1607) of coats of arms of the principal families of England, the original manuscript of which is now in the British Museum.[4] "A copy of the bundles of escheats in the Tower, of Devonshire families, with the arms painted, done by Scipio Lesquire, 1617" was owned by Le Neve at the end of the century.[5]

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[1] *Inf.*, pp. 297 n. 10, 305 n. 8, 307 n. 1.

[2] *Inf.*, pp. 309, 311.

[3] *Inf.*, pp. 311 *sqq.* Numerous other instances of copying occur.

[4] *V. inf.*, p. 288.

[5] Lat. MS. 319, f. 109. *V. inf.*, p. 241.

[6] See Fawtier, *op. cit.*, pp. 3-6; F. Rose-Troup, *ap.* LIBRARY BULLETIN, vol. 7, pp. 141-2. He is not, as is Agarde, in the *D.N.B.*

[7] A pedigree of and note on the Slader family in Scipio's hand are in Ryl. Lat. MSS. 313 (f. 140) and 306 (ff. 32-32v.). See also C. Worthy, *Devonshire Wills*, pp. 105-6; Oliver and Jones, *Westcote's View of Devonshire in 1630*, p. 524.

[8] Unfortunately there is a gap in the North Tawton parish registers between 1544 and 1607, as the present incumbent kindly informs me.

[9] See F. Rose-Troup, *ap.* BULLETIN, vol. 7, p. 142.

[10] Information kindly supplied by the present incumbent. The baptisms of three others of Edmund's children occur in the King's Nympton registers: George, 1 Oct. 1584; Suzanna, 1587; Henry, 17 Nov. 1590. Also his own burial, "Edmund Squire, Rector of this parish, Aug. 8, 1620."

On 29 November, 1620, Squyer entered the royal service, being appointed, for life, a Deputy Chamberlain in the Receipt by Nicholas Carewe, one of the Chamberlains, on the surrender of Thomas Corbin;[1] it was no doubt as a result of this appointment that a week later (7 Dec.) he leased a tenement in the Sanctuary in St. Margaret's Churchyard.[2] Squyer remained in the Exchequer thirty-nine years, and his official career cannot be dealt with in any fullness here; the duties and prerogatives of the Vice-Chamberlains are given in the Appendix,[3] from an account written by him in the early twenties. His activities among the records in his charge are shown both by the Rylands collection and by a grant to him in 1627 of an extra allowance of ten pounds "in respect of his extraordinary service and charges in sorting, ordering and digesting His M$^{s}$ records, as well foreign as domesticall, remaining in His Ma$^{ts}$ Treasuries at Westminster."[4] As a Vice-Chamberlain he occurs as a party to various indentures testifying to the delivery of records.[5] His appointment by Cromwell on 3 November, 1655, as "Chamberlain" of the Exchequer and Keeper of the Records is printed in full by Palgrave, together with a schedule of his fees.[6] One letter to him relating to his official duties has survived.[7] It is from William Burges (1 June, 1652)[8] enquiring what progress has been made in "the search which I desired you to make, when I was with you lately in London, in the busines of Cary for landes in Sutton Courtney." Burges concludes, "the busines is of soe good a concernement that if you have or can doe us good in it you shall make your owne condicions for satisfaction for your paynes." It is interesting to note that Squyer's activities brought him into contact with Sir Simonds D'Ewes,[1] Cotton,[2] Dugdale[3] and Ashmole.[4] In his autobiography Dugdale mentions that it was through Squyer's " kindnesse and favour " that he was granted access to " that venerable Record called Domesday-Booke, as also to the Fines, Plea-Rolls and sundry other records remayning in the Treasury,"[5] and further acknowledges his indebtedness in his *History of Warwickshire*[6] in referring to Henry Squier of Handsworth, co. Stafford, " from which Henry is also descended my singular friend Mr. Scipio Squyer, now one of the Vice-Chamberlains in the Exchequer, a gentleman of great knowledge in Antiquities and a special furtherer of this worke."

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[1] Worthy, *op. cit.*, p. 105.

[2] Squyer has left a memorandum of his early life in the present Ryl. Lat. MS. 306 (f. 2), which is drawn on in this paragraph unless otherwise indicated. It is given in full in Fawtier, *op. cit.*, p. 3, n. 1.

[3] For Doddridge (1555-1628) see *D.N.B.* Scipio's connection with him is reflected in the Squyer MSS. Thus, Ryl. Lat. 308 (ff. 18-69v.) contains a copy of "The severall opinions of sundry antiquaries [*sc.* Doddridge, Camden and others] touchinge the antiquitie of . . . the High Court of Parliament" [printed 1658] and Lat. 319 (f. 111) genealogical notes "copied out of Judg [*sic*] Doddridges notes under his hand." A note by Squyer "about 1650" respecting a Doddridge coat of arms is mentioned in *Misc. Gen. et Her.*, 4th Ser., vol. 5, p. 263. See also *inf.*, p. 241.

[4] B.M. Add. MS. 14,262. It contains notes by Dr. Jeremiah Milles, Dean of Exeter, at the sale of whose Library it was acquired. For transcripts of this MS. see *Trans. Devonshire Assoc.*, xxiii (1891), pp. 164-6. Cf. Boase and Courtney, *Bibliotheca Cornubiensis*, i. 357. Worthy (*op. cit.*, p. 106), without giving his source, states that Squyer visited Exeter in 1607 recording notes of arms.

[5] Bernard, *Cat. Lib. MSS. Angliæ et Hiberniæ* (1697), ii. 3517.

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[1] P.R.O., Exch. of Receipt Misc. No. 174, Indexes to Appointments and Offices (Ind. 10726). A full copy of his appointment and a note of its enrolments, in Squyer's hand, is in Ryl. Lat. MS. 306, f. 34. He is called "Scipio Le Squyer, gentleman." Corbin had been appointed in 1616.

[2] For thirty-two and a half years at 40s. p.a. He is called "of St. Clement Danes, gentleman" (Westminster Abbey Muniments, Lease Books, vol. xii, ff. 159-60). The original counterpart of the lease is now W.A.M. 36224, and the bond to perform the covenants of the same W.A.M. 28421.

[3] *Inf.*, pp. 339-41.

[4] Palgrave, iii. 452. A similar payment was made to John Bradshaw at the same time (*ib.* 451-2). For similar grants to Agarde see Devon, *Issues of the Exchequer during the reign of King James I*, pp. 117, 125, 183.

[5] E.g. Palgrave, iii. 426; P.R.O., Exch. (T.R.) Bks., E. 36/253/93.

[6] Palgrave, iii. 452-5.

[7] It is inserted in Ryl. Lat. MS. 319.

[8] Not 1682, as Fawtier, *op. cit.*, p. 6.

Meanwhile, on 10 August, 1627, Squyer had been admitted to Gray's Inn ; the Register of Admissions[7] describes him as " of St. Martin-in-the-Fields, gentleman." In May, 1631, he was called before the Commissioners for Building in connection with a house he was having erected in Long Acre, on the north side over against Covent Garden, the house being " built of brick and containing twenty-four feet by thirty-two, there being a piece of ground inclosed with a brick wall and planted with fruit-trees, containing an acre adjoining, whereby the same is made a fit habitation for a person of quality."[8] The position of the house is stated more explicitly in a letter to him[9] as being " over against the Piatts " ; that is, the Piazza in Covent Garden, which was being laid out at this time by Inigo Jones. He apparently moved in early in 1632, for on 14 April of that year he drew up a " Kalender of my bookes, taken when I sett them up in my study in Longacre";[1] on 14 December his tenement in the Sanctuary was leased to Dame Ursula Harvie, widow.[2] In all Squyer's library contained some seven hundred items, over two hundred of which were manuscript. He lists them under the headings Divinity, History, Physic and Surgery, Law Civil and Common, Flowers, Poesy, Morality and Manuscripts, the last being subdivided into Heraldry and Antiquity, Divinity, Preserving and Cooking, "Experiments Phisicall," Records, Morality and History. A few items taken at random, although they can hardly be representative, may be of interest. Among the printed books were *Romeo and Juliet* (one of the early quartos), *Venus and Adonis*, *Eadmerus* with Selden's notes, Chapman's *Homer*, *Englands Helicon*, Spenser's *Fowre Hymnes*, Raleigh's *Guiana*, Harcourt's *Guiana*, *Florida next to Virginia*, *Tobacco*, *The New Found World*, Bacon's *Essays* and *History of Henry VII*, works of Camden, Selden's *Of Tithes*, Marlowe's *Hero and Leander*, Herbert's *The Temple*, Wither's *Satyre*, *Springes For Woodcocks*, *Philip Sparrow*, *The Swedish Intelligences*, *Britannia's Pastorals* and Ben Jonson, *Masques*.[3] Squyer also owned, although it is not in his list, a 1609 edition of *Pericles, Prince of Tyre*.[4] The manuscripts included Bacon's *Advancement of Learning* ("part of y^e^ originall"), "Liger Books" of St. Nicholas, Exeter (from "S^r^ Robert Cotton, per exchange")[5] and Lenton, co. Nottingham, Glover's *Visitation of Staffordshire, 1583* ("et copia"),[6] Chaucer's *Tales*, Judge Doddridge's "Notes For Impositions," calendars of Exchequer and Chancery records and other manuscripts relating to the same, and the "Repertory of records in y^e^ Receipt" (two copies) mentioned above.[1]

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[1] *The Autobiography and Correspondence of Sir Simonds D'Ewes*, ed. J. O. Halliwell, i. 432 (May, 1630). He mentions " the special courtesy of Mr. John Bradshaw and Mr. Scipio Squire " when examining Domesday Book.

[2] *V. inf.*, p. 241 and n. 5.

[3] *The Life, Diary and Correspondence of Sir William Dugdale*, ed. W. Hamper, pp. 237 (1650), 272-3 (1653).

[4] Worthy, *op. cit.*, p. 106. See also Bodleian MS. Dodsworth 153.

[5] Hamper, *op. cit.*, p. 12 (in the 'thirties).

[6] 1656 edn., p. 667.

[7] Ed. J. Foster, p. 182. In a note of c. 1628/30 Squyer mentions certain domestic utensils " sent to my Coz. Marshalls out of y$^{e}$ garret at St. Martins " (Ryl. Lat. MS. 319, f. 142v.). He was still the lessee of the tenement in the Sanctuary in May, 1628 (W.A.M., Lease Books, vol. xiii, ff. 213v.-14).

[8] *C.S.P. Domestic* (*1631-3*), pp. 44, 58, 75, 434.

[9] The letter from Burges (*sup.*, p. 239).

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[1] Ryl. Lat. MS. 319, ff. 103-10. With some additions in his hand.

[2] For forty years at 40s. p.a. (W.A.M., Lease Books, vol. xiv, ff. 207-8). A further lease of the same was made to John Harvey of the Inner Temple on 5 June, 1641 (*ib.*, xv, f. 431).

[3] "Masques at Court at E. Essex Marriage."

[4] Bearing his signature and the date, 5 May, 1609 (see *The Huth Library: A Catalogue*, 1880, iv, p. 1339).

[5] Extracts from this MS. by Squyer, dated 13 April, 1631, are in Ryl. Lat. 319. At the end he notes that he returned the volume to Cotton "et post dat mihi in escambium" (f. 95v.). A "Catalogus librorum in bibliothecis monasteriorum in custodia domini Roberti Cotton, baronetti [and others]" is *ib.*, f. 11. Another list of "Lidgier bookes of monasteries, in whose handes they remayne," also by Squyer, is in Lat. 306, f. 9.

[6] The copy, which is in Squyer's hand, is now Ryl. Lat. 277.

One or two references to Squyer remain. On 28 August, 1650, he occurs as the creditor of Sir Hugh Pollard of King's Nympton to the extent of £2000.[2] In 1656, as a Justice of the Peace of the City and Liberty of Westminster he acted in two weddings in St. Paul's Church, Covent Garden.[3] He made his Will on 23 September, 1659,[4] and died shortly afterwards, for on the 29th of that month he was buried in the Abbey cloisters.[5] In his Will, in which he calls himself "Senior Chamberlain of the Court of Receipt in the Exchequer," he had desired to be buried "in the cloysters of Westminster, neere unto the monument of my auncient freind Arthur Agard."

Squyer married twice. Firstly, before 1620, Frances, third daughter of Sir Hugh Brawne, kt., of Newington Butts, co. Surrey, and Alscot, co. Gloucester, and sister of Sir Richard Brawne. Of this marriage he had issue John, who died aged little more than a year, George, who entered the Inner Temple, and two daughters, Frances and Bathsheba.[6] His wife had died by 14

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[1] P. 237.

[2] *Cal. of the Proceedings of the Committee for Compounding* (*1643-60*), p. 1287; see also Fawtier, *op. cit.*, p. 5, n. 4. On Squyer's financial position see further *Cal. of the Proceedings of the Committee for Advance of Money* (*1642-56*), pp. 364, 993.

[3] *The Registers of St. Paul's Church, Covent Garden, London*, ed. W. H. Hunt, iii (Harl. Soc. xxxv), 37, 38.

[4] P. C. C. 6 Juxon. Proved 16 Jan., 1662/3. He left lands in Bagshot, co. Surrey, and in cos. Devon and Middlesex. His wife Elizabeth, sons Scipio and Edmund, daughters Mary, Martha and Frances (wife of John Hill), and grandsons Edward and Robert Hill, are mentioned. He made provision for his eldest son Scipio "at schoole and when he shall goe to the Universitie, during his aboad there, and when he comme to the Inns of Court." His personal estate, including his books and manuscripts, were devised to his executors Arthur Trevor of the Inner Temple, esq., and Caleb Veren, citizen and haberdasher of London, for the payment of his debts and the provision of an annuity for his wife.

[5] *Westminster Abbey Registers*, ed. J. L. Chester (Harl. Soc. x), p. 151.

[6] From a pedigree in Ryl. Lat. MS. 313, f. 140. Notes on the Brawne family occur in Lat. MS. 319, ff. 45-6.

April, 1632.[1] Before August, 1656,[2] he had married again, his second wife, Elizabeth, surviving him.

The calendar is printed as it stands in Ryl. Lat. MS. 322, which, as noted above, is in part an improved copy. Variants in Lat. 323 and Ag. Ind. 45, apart from minor differences of spelling, are given in the notes. Capitals and punctuation are those of the editor.

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[1] In the " Kalender of my bookes " mentioned above he notes " Books that my dead wife left " (Lat. MS. 319, f. 103v.).

[2] From notes in his hand in Ryl. Lat. MS. 306, f. 2.

# A KALENDER OF Y$^{e}$ RECORDS IN Y$^{e}$ RECEIPT OF EXCHEQ$^{r}$.[1]

## A.[2]

In [3] the furmost pres in the midle on y$^{e}$ neerer side on y$^{e}$ right hand at the entry into the dore [4] are conteyned as followeth, marked A :

Carta Warini Abbatis S$^{ti}$ Albani de concessione diuersarum elemosinarum, victualium et aliorum facta monialibus leprosis de Prato,[5] data 1294. Ac confirmatio Willelmi Abbatis earumdem.

Recuperatio pro manerio de Coggeshall· A° 4 & 5 H. 8. Cogshall

Confirmatio Regis Henrici tertii a° 8 de dono Henrici de Bagenor de terris in Bagenor facta Priori de Poghlty.[6] Bagnor

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[1] Lat. 322, front fly-leaf (where is a contents' list of the volume in Squyer's hand). Lat. 323, outer front cover, 'A Repertory of y$^{e}$ Records in y$^{e}$ Custody of y$^{e}$ Chamberlaynes of y$^{e}$ Receipt' (*v. sup.*, p. 230). No title in Ag. 45.

[2] Lat. MSS. 322, f. 80 ; 323, f. 1*v.* ; Ag. 45, f. 6.

[3] For 'A' Agarde has merely, "In the furthermost presse marked thus A : with chalke, are contayned divers records and remembrances, which are all bound up severally into bundells and uppon every bundle written y$^{e}$ contents thereof and kalendred into a booke [*sic*, blank. Margin : 'This book never seen by P. L.', i.e. Peter Leneve] contayning six leaves of which I will mencion some. Some accompts of the French territories whiles England had them. Accompts of the cheefe Buttler's office. Bookes of accompts of fortificacions at Callayes, and of the staple there. Bagges of the treasons of S$^{r}$ Thomas More, Busshop Fisher, the Countisse of Salisbury, the Earle of Devon', Cortney, Montague etc. and a bagg of treasons of Aske, the Lord Darcy, and other rebbells in Yorkshire and Lincoln', bookes of Busshop Fisher's found in his studie : cum multis aliis que nunc prescribere longum est" (Palgrave, pp. 323-324).

[4] 'to the dore' not in Lat. 323.

[5] Altered from 'Pravo,' Lat. 323.

[6] 'Poghley,' Lat. 323, Ag. 45.

Bixley

Deposiciones tangen' ius ad vicariam de Bixley.

Item definitiva sententia inde.

Tresorer

Pes indenture inter Episcopum Dunelm' et Episcopum Linc', per Regem constitutum Thesaurarium,[1] unacum visu jocalium et aliorum in Thesauro Regis infra Turrim London' dicto Thesaurario liberatorum. A° 8 E. 3.

Hec simul ligata sunt.[2]

L. Mary

A booke of the charges of the Ladie Maries houshold.

Item the like when she was Princes[3] of Wales.

Spencer Warwick

Liber arreragiorum terrarum voc. Spencers & Warwicks lands.

C$^{s}$ Salsbery

The survey & wood sales of the landes of Margaret Countes of Salsbery in comitatibus Northt., Linc., Eborum etc. But not in the Weste.

Malefont

A survey of Malefont cum pertinenciis in Wales, ut supponitur about Cardiffe.

D$^{s}$ Cornubie

Arreragia ducatus Cornubie.

Winsor

Compotus Castri de Windsor.[4] A° 29 H. 8.

C$^{s}$ Wiltes

M$^{es}$ Dorset

Terre[5] Henrici Stafford, Comitis Wilts' iure[6] uxoris sue domine Cecilie, Marchion' Dorss$^{t}$ in comitatibus Devon, Cornubie, Somerss., Dorss. et Wiltes.

D$^{x}$ Richmond

The proporcion of the Duke of Richmond's houshold.[7]

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[1] 'Thesaurarim,' Lat. 323.

[2] 'Simul ligata,' Lat. 323, Ag. 45.

[3] 'he was Prince,' Ag. 45.

[4] 'Windesor' for 'de Windsor,' Lat. 323, Ag. 45.

[5] Ag. 45, f. 6*v*.

[6] 'in iure,' Lat. 323, Ag. 45.

[7] Lat. 323 has 'etc.' after 'houshold.'

Ps Wallie

Compotus hospicii Principis Wallie. 4[1] Hen. 4.[2]

Simul ligata.

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Ordinance

A[3] vewe of[4] ordinance in the Towre of London, a° 15 H. 8. Heu quam pauca.

Emperor

Provision for receiving of the Emperor at Calis.

Prince

New Yeares giftes given to Prince Edward. New Yer Gifts.[5]

Servientes Rg.

Servantes[6] of the Lord Cromwell meet to be preferred to the King's service.

France

Instruccons given by the King to Sr Francis Bryan[7] into France.

Confiscation

The confiscation of French and Scottish upon Warres.

League

Fedus[8] inter Imperatorem et Venetos, 29 July 1513.

Piracy

Ordo constitutus per Ludovicum Regem Francie pro restitucione bonorum per piratos[9] depredatorum. Ac[10] de iniuriis reparandis per Admirallos.

London

The names of the citizens of London' and of what Companies they be.

Madlin Colleg

Fundatio[11] Collegii Beate Marie Magdalene Oxon'.

Race

The ill succes of studdes and mares begon at Ludlowe & in Wales.

Chichester

Constº Episcopi

Quo modo se gerant[12] Canonici Cicestrie in divinis celebrandis, scilicet Constitutio Episcopi.

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[1] 'A° 4,' Lat. 323, Ag. 45.

[2] Margin of Lat. 323 and Ag. 45: '31 Januarii 1604.'

[3] Lat. 323, f. 2.

[4] 'the' after 'of,' Ag. 45.

[5] 'New Yer Gifts' not in Lat. 323 or Ag. 45.

[6] Lat. 322, f. 80v.

[7] 'Beryan,' Lat. 323.

[8] 'A fedus,' Lat. 323.

[9] 'piratas,' Lat. 323.

[10] 'Et,' Ag. 45.

[11] Ag. 45, f. 7.

[12] 'gerent,' Ag. 45.

Lo: Audley The supplication of the Lord Audley concerning the debt of Laurence Bonvix.

The names of divers spirituall persons in the dioces of Canterbury.

Hec simul ligantur.[1]

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Bookes & Inventories of
The Lord Montegle.[2]
Lady Hungerford.
Cardinall Woolsey.[3]
John, Earl of Oxon'.
B$^{p}$ of Ely, ut supponitur.
Thom. Cromwell, 19 H. 8.
S$^{r}$ W$^{m}$ Stanley, Lord Chamberlen
Marq$^{s}$ of Exeter.[4]

Simul ligantur.

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Staple Three [5] discourses concerning thadvancement of the Staple.

Bulwork A devise for the building of 3 newe bulwarkes upon the Downes.

Debita Regis Extracted [6] out of thexchequerie for the Kinges rentes and debtes in Northumberland. North-umbr.

La. Mary Remembrances concerning the Ladie Maries mariage into France.

Alms hous How the King may build an almes house in London.

Peace Peace[7] between Henry the vij$^{th}$ and James King of Scottes.

Lo. Maior An Acte to be devised in parlement how to quallifie the charges of the Lord Maior & Sherifs of London.

Forfetures An Act devised for sixe Justices to sitt in the Whitehall for the ending of[8] all sutes and forfeitures of Statutes.

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[1] 'Simul ligata,' Ag. 45.

[2] In the top left-hand corner of this section Lat. 323 has 'vacat.'

[3] 'Wolseys,' Lat. 323.

[4] 'The Lord Marques of Exetor,' Lat. 323, Ag. 45.

[5] Lat. 323, f. 2*v*.

[6] *Sic* in MSS.

[7] Ag. 45, f. 7*v*.

[8] Lat. 322, f. 81.

Knighthood A sesment for fines for the Order of Knighthood.

An of Cleue A booke of the names of those that should receive the Ladie Anne of Cleve and waite on the King.

Taxation Taxacion of the spiritualties[1] for the Province of Yorke. York

Subsedy A booke of the collectors names that have[2] paid the great subsedie granted by the clergie.

Presd$^{t}$ North Reasons why the B$^{p}$ of Duresme should not be President of[3] the North.

Univers$^{s}$ Oxon' Gravamina scholarium Oxon' contra cives ibidem.

Benevolence Benevolentia data H. 8.

Preists The certificate of pentionarie[4] religious persons & preestes in[5] comitatu Nott' et C$^{te}$ Eborum[5] and the[6] Westriding in Yorkss$^{r}$. Nott. York

Debita Regis A booke of debtes due to the King under the collection of John Gostwicke attingen' ad xiij$^{m}$ li.

Customes An[7] ordenance devised for thadvancement of the Customes.[8]

Woods sold in S$^{t}$ Johns Wood. A° 32 H. 8. S$^{t}$ Johns Wood

Debita Abbatis S$^{t}$ Albani.[9]

Hec simul ligantur.[10]

Sewers A[11] commission for sewers in the Countie of Surr. A° 25 Hen. 8.

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[1] 'spirituallty,' Lat. 323; 'spiritualty,' Ag. 45.

[2] 'heare,' Lat. 323.

[3] 'in,' Lat. 323, Ag. 45.

[4] 'peumonary,' Lat. 323.

[5] 'in Nott shire & in the Citie of Yorke,' Lat. 323, Ag. 45.

[6] 'the' not in Ag. 45.

[7] Ag. 45, f. 8.

[8] 'Custome,' Lat. 323, Ag. 45.

[9] Bottom left-hand corner of Lat. 323, f. 2*v.*: '31 Januar. 1609.'

[10] 'Simul ligata,' Lat. 323, Ag. 45.

[11] Lat. 323, f. 3.

Ebor'. Temple Newsam.

Recuperatio terrarum domini Darcy in Temple Newsam et alibi in comitatu Eborum. A° 22 H. 8.

Lo: Audley

An indenture betwene the Lord Audley and Laurence Bonvax, merchant, for the debt of 4423$^{li}$ [1] borowed, on thone partie, and certaine counsellors of the King for the King, on thother partie, for w$^{ch}$ Lord Audley engageth lands.

Henrie the vij$^{th}$ grant of a jointure to Q. Elizabeth his wife.

Duding-ton

Carta de concessione manerii de Duddington Edwardo Guldeford,[2] militi, et heredibus masculis de corpore suo procreatis.

Roydon

An indenture of exchange made by the Colledge of Christchurch in Cambrige to the King for the mannor of Roydon and also for lands in Norff.[3]

Norff

Rome

Dispensatio [4] e Roma concesssa quod Thomas Clayton et Joanna Fletton possint [5] nubere non obstante tercio vel quarto gradu.

S$^{t}$ James

An indenture of exchange made betwixt Eton Colledge for S$^{t}$ James neere London[6] to the King, and the Colledge to have lands in Kent, a° 23 H. 8.

Kent

Wilts. Tro-bridge Winter-born'

Carta [7] Regis [8] Edwardi secundi facta [9] Hugoni Le Despenser de maneriis [10] de Troubridge, Winterbourne et alibi. Corrosa est muribus, ideo nescitur annus.[11]

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[1] 'iiij$^{m}$ iiij$^{c}$ xxiiij$^{li}$, Lat. 323; iiij$^{m}$ iij$^{c}$ xxiij$^{li}$, Ag. 45.

[2] 'Gulford,' Lat. 323.

[3] 'A° 23 H. 8' after 'Norff.', Lat. 323, Ag. 45.

[4] 'A dispensatio,' Lat. 323.

[5] 'possunt,' Ag. 45.

[6] 'neere London' not in Lat. 323, Ag. 45.

[7] Lat. 322, f. 81*v*; Ag. 45, f. 8*v*.

[8] 'Reges,' Lat. 323.

[9] 'factum,' Lat. 323.

[10] 'manerii,' Lat. 323; 'manerio,' Ag. 45.

[11] 'niscitur [or 'inscitur'] annuus' [*sic*], Lat. 323.

Carta Ricardi Baldwin' et Beatricis uxoris eius facta Priori et Conventui Sancte Trinitatis, London', de diuersis terris in Bokelond, Leiston et alibi, per licenciam Regis. Et in eadem affilata duo fines inde.

Bokland
Leiston

Littere Regis patentes facte Thome domino Darcy[1] pro custodia de les Estmarches et ville Barwici, dat. anno primo H. 8.

Barwike

Consimilis facta Edwardo Ratclif, militi, et Radulfo Fenwik, armigero, pro custodia de les Midle Marches, dat. 6[2] H. 8.

March' Scocie

Consimilis facta[3] domino Dacres pro custodia de les .[4]

The fundacion of Haringby Colledge w$^{th}$ the seales of the feoffees.

Haringby

An exemplificacion of a suite in[5] Chancery belonging to the Earle of Wiltss$^{r}$ about the landes of John Walch in Chesthunt, 11 H. 8.

Chest-
hunt

Feria

Exemplificatio carte Regis J. facta monialibus de Prato iuxta S$^{tum}$ Albanum pro feria apud Sanctam Mariam de Prato duratur'[6] per duos dies, scilicet in vigilia et in die Nativitatis Beate Marie, a° 1 Jo: Regis.[7] Et exemplificatio a° 1 R. 2.

S$^{r}$ George Throkmortons grant to Cardinall Woolsey of the mannor of Ravenston, w$^{th}$out seale or hand.

Ravens-
ton

Curia
Regine

Thexemplificacion[8] of an Acte of Parliament authorizing the Queene his wife to sue in her name and to have a Courte.

Hec simul ligantur.[9]

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[1] 'domini Darry' [*sic*], Lat. 323.

[2] 'A° 6,' Lat. 323, Ag. 45.

[3] 'Willelmo,' after 'facta,' Lat. 323, Ag. 45.

[4] Blank in MSS. for name.

[5] 'the' after 'in,' Lat. 323, Ag. 45.

[6] 'Prati durantur,' Lat. 323.

[7] 'Regis' not in Lat. 323, Ag. 45.

[8] Ag. 45, f. 9.

[9] 'Simul ligata,' Lat. 323, Ag. 45.

Inventories[1] of the Kinges plate and
Jowels jewells.[2]

Crumwell Bookes of Thomas Crumwell, debts to him, annuities and his will.[3]

E. Northumbr. An Acte of Parlement for the Earle of Northumberland.

Roper Skevington The wills of John Roper of Eltham & John Skevington,[4] knight.

Simul ligata.

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A$^{8}$ Welbec. Libertates concessse Abbati de Welbeck. A° 8 E. 1.[5]

Custom Exemplificatio veredicti redditi in Scaccario contra quosdam lez Hanzes pro custumiis subtractis pro pannis secrete eskippatis ad valenciam 20,000.

Scroop The will of the Lord Henrie Scroope. A° 3 H. 5.

Pardonatio Johannis de[6] Gise pro perquisicione manerii de Pyrytone[7] de Thoma de Grelle licencia Regis non obtenta. Pyryton

Mariage For a marriage between the Countesse of Salisberyes daughter and the sonne of
Abergeny the Lord of Abergaveney.

Ratificatio[8] Regis Henrici [9] quod
Darcy Thomas Darcy et Editha vxor eius repossedeant terras illas in comitatibus Eborum, Nott., Derb., Devon’, Suth$^{t}$, Surr., Kanc.’, quas dederunt[10] diversis feoffatis ad usum Regis durante vita dicte Edithe.[11]

Regina Carta Edwardi 3, anno 19, pro dote Isabelle matris sue.

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[1] Lat. 323, f. 3*v*. Margin of Lat. 322: ‘ I.’

[2] Lat. 323 and Ag. 45 add ‘ H. 8. Per se ’.

[3] ‘ etc.’ after ‘ will,’ Lat. 323, Ag. 45.

[4] ‘ Sevington,’ Lat. 323.

[5] ‘ A° viij° H. 8,’ Lat. 323, Ag. 45.

[6] ‘ de ’ not in Ag. 45.

[7] ‘ Pryton,’ Lat. 323 ; ‘ Piriton,’ Ag. 45.

[8] Ag. 45, f. 9*v*.

[9] Blank in MSS. for name.

[10] Lat. 322, f. 82.

[11] According to Ag. 45 this and the five preceding items were ‘ Simul ligata.’

Shindley Snodland

Richard[1] Harvey the yonger selleth to Henry Saunder, citizen of London, all his reuercion of Richard his father of landes in Shindeley et Snodland in the countie of Kent for CCC$^{li}$, 14 Aug. a° 19[2] H. 8.

Balister Ships

A graunte of Henrie, Duke of Richmond made to Thomas Sperle, yoman of the crowne, of the office of balisting of shippes within the River of Thames[3] in the places of Erith, Wolwich, Blackwall and the rome[4] betwixt the higher parte of Wapping and Greenwich; to hold so long as he is Admirall sibi et deputatis suis absque compoto etc., 28 Jun. 18 H. 8. But it appeareth that the said Thomas should have sealed an indenture to have paid yearlie x$^{li}$, w$^{ch}$ is not sealed. The said Thomas had taken of the Earle of Surry, Admirall, anno 9 H. 8, at the rente of x$^{li}$.

Simul legata predicta in pixide absque coopertura.

Kelmeden Braksted

Recuperatio[5] pro terris in Kelmeden et Braxsted.

Kanc.

D$^{s}$ Abergeny

Berling

Indentura inter Henricum 8 Regem et dominum Abergaveny pro manerio de Berlinge in comitatu Kancie et aliis terris eidem adiacentibus, signata manu proprio Regis. Yt seemeth that he gave to the King the promisss[6] to be remitted of a[7] fine of 10,000$^{li}$ w$^{ch}$ the King had recovered against him for offence of reteynors, as

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[1] Lat. 323, f. 4.

[2] '29,' Lat. 323.

[3] 'Temes,' Lat. 323; 'Thems,' Ag. 45.

[4] 'of the' struck through after 'rome,' Lat. 323.

[5] Ag. 45, f. 10.

[6] *Sic.* 'promisses,' Lat. 323; 'premisses,' Ag. 45.

[7] 'the' for 'of a,' Lat. 323, Ag. 45.

appeareth by the deed and misprision conteyned in the indictment.

Dimissio manerii de Eltham facta Henrico Guldeford, militi, unacum senescalsia eiusdem, 14 H. 8. Eltham

Fundatio Cantarie de Rumford in parochia de Havering at Bower. Rumford

Exemplificatio libertatum pertinentium hospitali Sti Johannis Jerusalem. St Jo: Jerusalem

Hec simul ligantur.[1]

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Cs Salop Ds Darcy Tractatus matrimonii inter Georgium, Comitem Salop, Senescallum Hospitii Regis, cum herede domini Darcy, pro filia dicti Comitis et domino[2] Darcy. A° 21 H. 8.

In pixide rotunda.

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Pr Trin' London' Licentia[3] Regis Edwardi 2 facta Priori Ste Trinitatis, London', pro perquissicione xli terre in manum mortuam, a° 11°. Similis a°[4] 9 E. 3.

Carta[5] Regis Henrici iiijti, ut supponitur, quod homines de Marke et Oye habeant pasturam de Northbroke in recompensacionem pasture de Manbroke.[6] Mark Oye

Pardonatio Regis Edwardi primi facta Priori Ste Trinitatis, London', pro appropriacione ecclesie de Bromfeild in comitatu Essex, 31 E. 1. Essex Bromfield

Italy An[7] indenture of covenantes made betweene Cardinall Woolsey and John Heron and Edward Belknappe, knightes, on the Kinges behaulf, on thone partie, and signed by the Kinge, and[8] Leonard

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[1] 'Simul ligata,' Lat. 323, Ag. 45.
[2] *Sic* in MSS.
[3] Lat. 323, f. 4*v*.
[4] 'de a°,' Lat. 323.
[5] Ag. 45, f. 10*v*.
[6] 'Marbrike,' Lat. 323.
[7] Lat. 322, f. 82*v*.
[8] 'and,' not in Lat. 323, Ag. 45.

Friscobalde [1] and Anthony Calvalry, marchantes of Luke in Italy on thother partie, wherein is concluded that the said marchantes shall put in suerties by thirtie obligacons to paie to the King 30,000$^{l}$ in 30 yeares, w$^{th}$ other covenantes etc.

Hec simul ligata.[2]

Butlerage

| Accomptes of the Cheif Butlers of England<br>Another great Bundell of the same. | Simul ligata.[3] |
|---|---|

Deb$^{a}$ R$^{s}$.

Declarations made to the King Henry 8 of his debtes and of arrearages out of Theschequor.

Simul ligata.

| | | | |
|---|---|---|---|
| | | Principalitie | |
| Wales | Divers | of Wales | Cum multis |
| Cornwall | Surveis & | D$^{y}$ of [4] Cornwall | aliis diuersis, ideo |
| | Accomptes | | |
| Winsor | concerning | Windelesour | quere. |
| Berwik | | Berwyk | |

Hec simul ligantur.

In [5] one Bundell

Matters complayned on in the time when [6] my Lord Lisle [7] was Governor of Caleis and Guisnes.

Callis
Guisnes

A booke of the reparacions of the Castle of Caleis.

The Comptrollers booke of the custome of woolle there.

Offices and souldiers of Calays.

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[1] 'Freschobald,' Lat. 323, Ag. 45.

[2] 'Simul ligata,' Lat. 322, Ag. 45.

[3] Lat. 323 and Ag. 45 have 'Simul ligata' at the side of each of these two entries.

[4] 'D$^{y}$ of' not in Lat. 323, Ag. 45.

[5] Lat. 323, f. 5; Ag. 45, f. 11.

[6] 'of the,' Lat. 323, Ag. 45.

[7] 'Liste,' Lat. 323.

Divers bookes of the charges of fortificacion of Calays. Annis x°, xij°, xv°, xxij°, xxiij°, xxiiij°, xxv, xxviij°[1] et xxxij° Hen. 8.[2]

A surveyors booke of[3] the workes at Dover Dovor. Dover

A booke of receipte of victualls for Caleis.

Liber compotus duorum contrarotlatorum ville Caleis. A° 22° et[4] 23° Hen. 8.

A boke of controlment of the[5] workes, a° 32 Hen. 8.

The like for S$^{r}$[6] Hugh Conwey, knight. A° 5° Hen. 8.

A minute of a comission for the deputie of Caleys.

Simul ligata.

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Divers bookes of the repayring, fortefieng, victualing, etc. of the townes of Calays, Hams, Guisnes and Dovor[7] laid together (but most of Hen. 8 time) on a heape. Hams

Item[8] a like heape of accomptes of Tresorers,[9] Controllers & other officers there.[9]

Simul reposita.

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Regina Bona[10] et alia jocalia Isabelle, Regine Anglie deliberata in Thesaurum Regis post mortem eius.

These are in[11] a round Wicker Basket.

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[1] Altered from '29,' Lat. 323.

[2] In Lat. 323 a bracket joins this and the two following items, Henry's regnal years being in the margin at the side of it.

[3] 'for,' Lat. 323.

[4] 'et' not in Lat. 323, Ag. 45.

[5] 'the' not in Ag. 45.

[6] 'S$^{r}$' not in Lat. 323.

[7] 'ladie' struck through after 'Dover,' Lat. 323.

[8] Ag. 45, f. 11*v*.

[9] 'Threasorors there and other officers and comptrollers,' Lat. 323, Ag. 45.

[10] Lat. 322, f. 83. 'Bona jocalia et alia,' Lat. 323, Ag. 45.

[11] 'This is' for 'these are in,' Lat. 323. 'This is in,' Ag. 45.

P$^{a}$ Maria Articles to be proposed to the Ladie Marie for taking upon her to be called PRINCESSE against the Kinges will and knowledge.

R$^{a}$ Francie Transporting of the French Queene into France. A° vj$^{to}$ Hen. 8.[1]

Boleyne
Landes
Norys Rents
Fees [2]
Brereton Anuityes
of
S$^{r}$ George Boleyne, knight.
Henry Noreys,[3] Esq.
William Brereton, Esq.
Simul ligata.[4]

D$^{s}$. Percy The [5] estimate of the expences of the Lord Percy and his wife w$^{th}$ their servantes.

Parlement Knightes and burgesses of the Parliament. Nescitur quo a°. H. 8.[6]

Sauage Scavage due to the Lord Maior of London. A° 22° H. 8.

Decime xv$^{a}$ et x$^{a}$ collecta in Warda de Newgate, London', a° 29 H. 8.[7]

Cromwell Horses,[8] geldinges, mares & moiles of the Lord Cromwells & his [9] charges to Calays.

The retenue & expences of the B$^{p}$ of Duresme in xiij yeares, 45,400$^{li}$. Nota quod dispendidit [10] in bullis papalibus 2,500$^{li}$. Duresme

Money due to Cardinall Wolsey by bondes.[11]

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[1] 'vj$^{to}$ Hen. 8' not in Lat. 323.

[2] 'Fees' written over 'Transport,' Lat. 323.

[3] 'Nortys,' Lat. 323.

[4] 'Simul ligata' not in Lat. 323. In Ag. 45 it also includes the two preceding items.

[5] Lat. 323, f. 5*v*.

[6] 'Nesitur annuis [*sic*] set H. 8,' Lat. 323. 'H. 8, Nescitur annus,' Ag. 45.

[7] Underneath this item Lat. 323 and Ag. 45 have, as another item, 'Denarii dati vel prestiti H. 8 per diuersos in diuersis comitatibus.'

[8] Ag. 45, f. 12.

[9] Lat. 323 and Ag. 45 omit '&' and begin a new line with 'His.'

[10] 'dispendit,' Lat. 323, Ag. 45.

[11] 'bandes,' Lat. 323, Ag. 45.

A booke of the reconing wth Roberte Amadas for jewells & plate.

**Ataindor** Divers attainted for murder,[1] felony,[1] etc. in Lincolnssr tempore Regis [2] Hen. 7. **Linc.**

**Hampton Crt** Provision for burning brick at Hampton Courte.

**Ordinance** Ordinance delivered tempore [3] H. 7 & H. 8. And [4] a booke inde 8 H. 7.[4]

**Pauilion** Accounts for the Kinges Hales and Pavilions.[5]

**Ships** Provisions for making & repayring the Kinges shippes about [6] 14 & 15 H. 8.

**Ps Wallie** Compotus [7] pro expensis Principis Wallie, filii H. 4, a° 5.[8]

**Armory** A [9] disbursment of Sr Edward Guldeford, Master of the Armory. A° 6 H. 8.

**Wards** The yearlie revenue arising by wardes, a° 23 H. 7.

**Quenes revenue** Compotus revencionum Regine Elizabethe, a° 6 E. 4.

**Dovor** A [10] declaracion of money disbursed for the repaire of Dovor haven.

The abstract & proporcion for the haven of Dovor.

Simul ligata.

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**Barwike** Reparacions [11] done at Barwike a° 14 H. 8.

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[1] 'felony, murder,' Ag. 45.

[2] 'Regis' not in Lat. 323, Ag. 45.

[3] 'temporibus,' Lat. 323, Ag. 45.

[4] 'And . . . H. 7' not in Lat. 323, Ag. 45. It is out of alignment in Lat. 322, and appears to have been added later than the first part of the item; it is in Squyer's hand. See next note.

[5] Underneath this item Lat. 323 and Ag. 45 have, as a separate item, 'A Booke for the Kinges Ordinance, A° 8 H. 7.' See preceding note.

[6] 'annis' after 'about,' Lat. 323, Ag. 45.

[7] Margin of Ag. 45: 'Quere in folio 2' (*sic*, *cf*. *sup*., p. 246).

[8] 'H. 4' after 'a° 5,' Lat. 323, Ag. 45.

[9] Ag. 45, f. 12*v*.

[10] Lat. 323, f. 6.

[11] Lat. 322, f. 83*v*.

Provisions made for the same.

Borders

A booke of horses, mares & geldinges rescued on the borders, a° 5 H. 8.

The Lord Dacres accompt for money by him disbursed for the maintenance of the borders of Scotland.

Compotus receptorum generalium ville Barwici de annis 1, 2, 3, 4, 5, 6 Hen. 8.

Simul ligata.

---

Poyteuin

Sex libri de compotis factis circa annum xxxvij$^{m}$ Ed. 3 de provinciis de Poyteuin et Monstruell.

Simul ligata.

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Aquitan'

Valor,[1] proficua et emolumenta Principatus Aquitanie.

Valor et proficua dimissionum,[2] firmarum et aliorum[3] emolumentarum[4] in Principatu Aquitanie.

Homagia prestita Regi[5] Ed. 3 et E. Principi Aquitanie de terris et subditis in Gyen.[6]

Proditor

Processus contra Guillelmum Sans Sire de Pomers, Viscont de Fronsac pro prodicione, a° 1° R. 2, eo quod machinavit cum Rege Francie contra Regem Anglie pro Ducatu Aquitanie.

Concessio facta per Regem Ricardum secundum Johanni Gaunte,[7] avunculo suo, de ducatu Aquitanie pro vita.

Hec sunt in rotulis simul ligatis.

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Vascon'

Item manipulus diuersarum tangencium Aquitan' et Vascon'.

Two bags intituled Vascon', Aquitania.

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[1] Ag. 45, f. 13.

[2] 'et' after 'dimissionum,' Ag. 45.

[3] *Sic.*

[4] emolumentorum,' Lat. 323.

[5] 'Regi' not in Lat. 323, Ag. 45.

[6] 'Guyen,' Lat. 323, Ag. 45.

[7] 'Graunt,' Lat. 323.

Bagges[1] there, E. 6.

A bagge of receivors accompts conteyning as followeth :

Abbyes — The value of the goods and inventorie of the Abbeyes surveid in Lincolnss$^{r}$. — Linc.

D. Richmond — Preparations of the Duke of Richmond.

E. 6 Houses — Surveys of divers mannors & houses of[2] Edw. 6.

Arrearages in divers auditors[3] offices.

Compota — Compota ballivorum in comitatu Cornubie. — Cornub.

Pencions — Supervissio omnium pencionarium et pencionum[4] solut' in comitatu Bedd' diuersis personis religiosis. A° 5 Ed. 6.

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Staple — A bagge intituled Matters for the Staple at Calays.

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Religion — A[5] bagge intituled Divers workes of y$^{e}$ late B$^{p}$ of Rochester.

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D$^{s}$ Lisle — A bagge intituled Certaine bookes and billes found in Peter Beckw$^{ths}$ counterhouse in the Lord Lisles house.

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Tresons — Two[6] bagges bound together concerning the Tresons of the Countesse[7] of Salisbery,[8] Pole, Exeter and Mountague.

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Dos Regine — Carta de libertatibus dotis Isabelle Regine. Per se.

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Insurrectio — A greate bagge concerning the insurreccion in the North made by the Lo: Darcy, Ask, Constable, etc.

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[1] Lat. 323, f. 6*v* ; Ag. 45, f. 13*v*.

[2] 'of' not in Lat. 323, Ag. 45.

[3] 'audyvors [*sic*],' Lat. 323.

[4] 'pencionar. et pensionar,' Lat. 323.

[5] Lat. 322, f. 84.

[6] Ag. 45, f. 14.

[7] 'Countes,' Lat. 323, Ag. 45.

[8] 'Sarum,' Lat. 323, Ag. 45.

A booke of the receiptes of the Lord
Hussysland Hussyes[1] landes.

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A[2] round box conteyning a lease made
Mynes by King Richard the second of his mynes of gould and silver in the counties of Somerss' and Glouc'[3] for seaven yeares. Very good covenants.

---

In[4] the presse followeng are conteyned:[5]

A declaracion made by H. 8 for the exercise
Spiritualty of the spirituall lawes of the realme.

Two supplicacions made in parlem$^{t}$ against the spiritualtie.

An account of Barwick about primo Hen. 8.[6] Berwik

An account of Chertsey[7] Abbey. A° Surr. 23 H. 8. Chertsey

Bakers etc. A supplicacion of the Bakers of London. Another of victuallers.[8]

The charges of the interment[9] of
Kat.$^{a}$ P.$^{a}$ Katherine, late wife to Prince Arthure.

E. Northumbr. The like for the Earle of Northumberland.

Sanctuary Moderatio confugii ad Sanctuariam Anglie, Westm$^{r}$.

A° 28 H. 8. A generall pardon for the
Rebels rebelles in the North.

A particular of the value of certaine landes & mannors in Essex: Fringingho,

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[1] 'Huffies,' Lat. 323.

[2] Lat. 323, f. 7. Lat. 323 and Ag. 45 have 'box round' for 'round box.'

[3] 'in comitatibus Somerss$^{t}$ et Glouc,' Ag. 45.

[4] Lat. 322, f. 84*v.*; Lat. 323, f. 1; Ag. 45, f. 5*v* (for this press *v. sup.*, pp. 232-3, 236).

[5] Lat. 323 and Ag. 45 have 'the subscribed' after 'conteyned.'

[6] 'circa annum 1 H. 8,' Lat. 323, Ag. 45.

[7] 'Chercsey' later altered to 'Chertsey,' Lat. 323; 'Chersey,' Ag. 45.

[8] 'victualls,' Lat. 323, Ag. 45.

[9] 'thentertainement,' Ag. 45.

Horstedhall,[1] Aberton, manerium de Shawes cum membris. Essex

Fringhoe
Horstedhall
Aberton
Shawes
Estorp
Blinknight
Leyre
Teyne
Stanwey

Manerium[2] de Berchurch, manerium de Esthorpe, manerium de Blyndknight cum rectoria de Leyre Delahey,[3] etc., rectoria de Mark[4] Teyne, Teyne Magna, Stanwey.

Smith
Basset
Writle

The agreement of Tho. Smith and the heires of Basset and Writtle for landes in Essex.

Reding

The title of Mary Yate to lande[5] in Reading.

B$^{p}$ London

The oath of the Abbot of Walden to the Bishop of London.

Truce

Daies of truce held, 29 H. 8 etc.

Remove fixed
London Custom'

The custome of London for removing thinges from the freehold.

Remembrances to the King.

Banket

A° 18 H. 8. The charge of a banquett at Greenwich.

## Bulle[6] Papales. ℞

In[7] the next pres on y$^{e}$ same side hitherward are 4 bags of Popes Bulles in w$^{ch}$ are lapped up the same in bundells as followeth, marked thus ℞:

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[1] 'Harstedhall,' Lat. 323, Ag. 45.

[2] '*Sic*, a new line in MSS.

[3] 'de Layhey,' Lat. 323, Ag. 45.

[4] 'Markes,' Lat. 323.

[5] 'landes,' Lat. 323.

[6] Lat. 322, f. 85; Lat. 323, f. 7; Ag. 45, f. 14*v*.

[7] For this press Agarde has merely, 'In the next presse to that [sc. to 'A'] outward marked w$^{th}$ chalk R. Popes Bulles put into 4 severall bagges, every one marked with a lettre A : B : C : D : and kalendred into a booke [Margin: 'This book never seen by *Peter Leneve*'], the number of every Popes time' (Palgrave, p. 324).

In the bag marked **A** are conteyned :

| | | | |
|---|---|---|---|
| Gregorius decimus | 19 | Celestinus 5tus | 02 [2] |
| Item another bundell conteyning | 11 | Clemens Vtus [2] | 38 |
| Clemens 7us | 21 | Another bundell | 32 |
| Gregorius 8us | 02 | Gregorius Secundus | 19 |
| Clemens 4tus | 20 | Celestinus 3us | 04 |
| Calistus 3us | 03 [1] | Gregorius 9us | 23 & [3] 13 |
| Clemens Sextus | 24 | Eugenius 3us | 02 |

In [4] another bagg of buls marked **B** :

| | | | |
|---|---|---|---|
| Nicholus 4tus | 35 & 22 [5] | Martinus 4tus | 12[7] |
| Leo 10us | 25 | Sixtus 4tus | 03 |
| Nicholus [6] Vtus | 04 | Paulus 2dus | 01 |
| Nicholus 3us | 06 | Lucius 3us | 01 |
| Urbanus 4tus | 21 | Pius 2dus | 01 |
| Urbanus 5tus | 16 | Martinus 5tus | 01 |
| Urbanus 6tus | 06 | | |

In [8] another bag of bulles marked **C** :

Innocentius sextus touchant le mariage de Monsr le Prince, leisne fitz du Roy Edward le tierce & Johanna, Countes de Kent [9] contentum in pixide, una bulla et exemplificatio eiusdem sub sigillo Archiepiscopi Cantuariensis.

---

[1] 'ij,' Lat. 323, Ag. 45.

[2] '02' and 'Clemens Vtus' not in Lat. 323, i.e. it reads 'Celestinus 5tus—xxxviij.' A case of a *savt du même au même* ('Celestinus *5tus*,' 'Clemens *Vtus*').

[3] 'Item,' Lat. 323, Ag. 45.

[4] Ag. 45, f. 15.

[5] For this item Lat. 323 has 'Nicholus iijtus [*sic*]—xxxv' and, underneath, 'Nicholus iiijtus—xxij.' Squyer, in Lat. 322, has corrected Lat. 323 here; the MSS. give the number for Nicholas III as 6 (three lines below).

[6] Lat. 323, f. 7*v*.

[7] For this item Lat. 323 and Ag. 45 have 'Martinus iiijtus—xij' and, underneath, 'Martinus iiijtus [*sic*]—xiiij.'

[8] Lat. 322, f. 85*v*; Ag. 45, f. 15*v*.

[9] 'Johannam, Comitissa [*sic*] Kancie, Ag. 45.

| | | | |
|---|---|---|---|
| Johannes 22dus | . 45 | Innocentius 3us | . 10 |
| Innocentius Sextus | 29 | Innocentius 8us | . 07 |
| Innocentius 4tus | 64 & 36[1] | Honorius 4tus | . 24 |
| Julius Secdus . | . 10 | Innocentius 7us | . 01 |
| Honorius[2] 3us | . 16 | Innocentius 2dus | . 01 |
| Johannes 21us | . 02[3] | | |

In[4] another bagge of bulles marked **D**:

| | | | |
|---|---|---|---|
| Alexander 4tus | 41 Et[5] 27 | Bonefacius 8us' | 29, Et 19 |
| Alexander 6tus | 06, Et 15[6] | Benedictus 11us | . 02 |
| Bonifacius 9us[7] | . 09[8] | Alexander Quartus | 23, Et[9] al. 23 |
| Adrianus 6tus | . 05 | Alexander Tercius | . 07 |

### Th.[10]

In[11] the nexte Presse on the same side are conteyned the records herafter mentioned, marked thus wth chalk **T:**[12]

Bils, answeres

A bundle of bills, answeres etc. about annos[13] 1, 2, 3, 4. Pauca. Per se. E. 6.

A bundle of bills, answeres,[14] replicacons of a° 5° E. 6 in Curia Augmentacion, E. 6. Per se.

---

[1] '& 36' not in Lat. 323 or Ag. 45 here. *V. inf.*, n. 3.

[2] Lat. 323, f. 8.

[3] Underneath this item Lat. 323 and Ag. 45 have 'Innocentius iiijtus—xxxvi.' *V. sup.*, n. 1.

[4] Ag. 45, f. 16.

[5] 'Item al.' for 'Et,' Lat. 323 and Ag. 45.

[6] For 'Et 15' Lat. 323 and Ag. 45 have underneath, 'Item an other contayning—xv.'

[7] Altered from 'viij,' Lat. 323.

[8] 'ixxix,' Lat. 323, with the last three figures struck through.

[9] 'Item' for 'Et,' Lat. 323, Ag. 45.

[10] Lat. 322, f. 86; Lat. 323, f. 8*v*; Ag. 45, f. 16*v*. 'Th' extends to p. 266 below.

[11] Agarde has merely, "In the next presse to that outward marked with chalke T : H : are sondry records touchinge mens landes, and some of ye Kinges affayres which are calendred in a booke particularely [Margin : 'This book never seen by *Peter Leneve*']. Memorandum that under these 3 presses [*sc.* 'A,' '℞' and 'T : H :'] at the bottome thereof, are bagges of lether, wherein are contayned the goale deliveries in all shires from E. 1 tyme to H. 6" (Palgrave, *op. cit.*, p. 324).

[12] *Sic* in MSS.,

[13] 'annis,' Lat. 323.

[14] Ag. 45 supplies 'and.'

| | | | |
|---|---|---|---|
| | Valor cantariarum de Brigham, Kirkby, Kendall. A° 27 H. 8. | Cumbr'<br>Westmorl. | Bigham<br>Kirkby<br>Kendall |
| | Valor manerii de Brodham. | Devon | Brodham |
| Excambium | Arrearages wherof the Archbishop of Yorke requireth to be discharged of[1] in his exchange w$^{th}$ King[2] Hen. 8. | | |
| | The survey of the White, Gray and Black Friers of Scareborowe. | Ebor. | Scarborow |
| | Scitus[3] et terra diucalis manerii de Kirkby Bellers. H. 8.[3] | Leic. | Kirkby |
| | Valor Prioratus[4] de Pilton. | Devon | Pilton |

Ligata cum aliis.

## Depositions.

| | | |
|---|---|---|
| Concerning the mannors of Owston et Epworth in the Iland of Axholme, about a lease.[5] | Linc. | Owston<br>Epworth<br>Axolme |
| The[6] dissolucion of the house of Dorchester. | Oxon' | Dorchester |
| A pencion of liij s. iiij d. out of the vicaredge of Saxelby. | Linc. | Saxelby |
| Of a lease lett to Oxon' of a tenem$^{t}$ in Norton Danie. | Northt | Norton Daney |
| Whether Nicholas Stutvile had landes in Brinkele. | Cant. | Brinkle |
| Whether the burgesss[7] of Lynne[8] should paie iij$^{li}$ rent out of Swagges medowe. | Norff. | Lyn |
| For the parsonage of Dounhead. | Deuon' | Donhed |
| For the parsonage of Berewe. | Walia | Berew |
| Touching the landes of Tho. Bedingfeild in Bevale. | | Beuale |

Simul ligata cum aliis.

---

[1] 'and' after 'of,' Lat. 323.

[2] 'King' not in Lat. 323 or Ag. 45.

[3] Lat. 323 and Ag. 45, 'Scitus et terrarum diucalium [*sic*, 'dominicalium,' apparently, Ag. 45] de Kirkby Bellers, H. 8.'

[4] 'de Prioratu,' Lat. 323, Ag. 45.

[5] 'leafe,' Lat. 323.

[6] Ag. 45, f. 17, with 'disposicion' struck through after 'The.'

[7] 'burgesses,' Lat. 323, Ag. 55.

[8] 'Lune,' Lat. 323, Ag. 45.

Deposicons touching landes[1] in Aston[2] et Midle Aston,[3] parcell of the Abby of Norton. Cestr. Aston

What landes John Serles and two others Serles[4] did hold of the mannor of Wy. Kanc. Wye

What mannors & landes are w$^{thin}$ the parsonage of Tylton. Leic. Tilton

Gilford

What[5] goodes were geven to the Abbott of Thame at the dissolucion. Oxon' Thame

Whether[6] S$^{r}$ Robert Cholmley had landes in Estham and Westham. Essex Ham

What landes S$^{r}$ Edward Gilford did enclose of John Fowles into his parke of Houlden. Kanc. Holden

Concerning[7] the rent of the Chappell of Gosnarth. Lanc. Gosnarth

Simul ligata.[8]

---

Particulars[9] for landes in Stoneley annui valoris 41$^{s}$· 4$^{d}$· Warr. Stoneley

Of the mannor of Wyleygh. Essex Wyleygh

Of Utcot Grange, parcell of the mannor[10] of Woburne. Bedd. Woburne

The situacion of Durham Colledge in Oxenford. Oxon' Durham College

Tangen' molendina de Abendon et Walingford.[11] Berk. Abendon Walingford

Simul ligata.[12]

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Pention$^{es}$ Inquissicio pro pencionibus solutis viris religiosis in E. 6.

---

[1] 'landes' not in Ag. 45.

[2] 'Ascoim [*sic*],' Lat. 323; 'Ascoin,' Ag. 45.

[3] 'Ascon,' Lat. 323.

[4] 'other Serleys,' Lat. 323, Ag. 45.

[5] Lat. 322, f. 86*v*.

[6] Ag. 45, f. 17*v*.

[7] Lat. 323, f. 9.

[8] Not in Ag. 45. Lat. 323 has 'Ligata cum per [*sic*]' in the margin.

[9] 'Particles,' Lat. 323.

[10] 'monasterie,' Lat. 323, Ag. 45.

[11] 'Watingford,' Lat. 323.

[12] 'Simul ligata' not in Lat. 323.

Gaola — Deliberaciones[1] gaole in diuersis comitatibus temporibus[2] E. 3 & R. 2.

Bills. Answers — A bundell of bills and answeares in the Court of Survey.

---

## V.[3]

In a pres marked **V**:

Assisse de temporibus
Hen. 4 } Item, 3 rolles of pleadinges
Hen. 5 } in the Marshalls Courte
Hen. 6 } called PLACITA AULE REGIS.

Et de anno 17 Hen.[4] 8 apud Ebor' de querelis. Set pauca determinata.

---

In[5] the pres next to the comming in, in the midle ranke, marked thus **R**ꝭ:

Assisse de tempore Regis Edwardi[6] Secundi.

---

In[7] the pres at the ende of ye midle ranke next to the comming in, marked thus 𝒳:

Assisse de temporibus Regis Ricardi Secundi.

---

[1] 'Item' before 'Deliberaciones,' Lat. 323.

[2] 'temptoribus,' Lat. 323.

[3] Lat. 322, f. 87; Ag. 45, f. 18. Agarde has, 'In the next outward a presse marked with chalke V are contained, Assise de temporibus H. 4, H. 5, H. 6. Et de a° 17 H 8, apud Ebor' de querelis sed pauca determinata' (Palgrave, p. 325).

[4] Lat. 323 and Ag. 45 have 'Regis' before 'Hen.'

[5] Agarde has, 'In the presse next to that [*sc.* to **V**] outward, still marked with chalk **R** are, Assise de tempore Regis Edw. secundi' (Palgrave, *loc. cit.*).

[6] 'Ricardi,' Lat. 323, altered by Squyer in that MS. to 'Edwardi.' Lines 16-20 above are missing in Lat. 323; that is, the writer has telescoped two presses, his eye having clearly dropped from 'Assise . . . Edwardi Secundi' to 'Assise . . . Ricardi Secundi.' Squyer has inserted the missing portion in Lat. 323 by altering 'Ricardi' to 'Edwardi,' and then adding, immediately underneath, the description of press 𝒳 as above.

[7] This press is a later insertion in Lat. 323, see preceding note. Agarde has, 'At the end of this middle rancke one presse, marked with chalke A are, Assise de tempore Regis Richardi secundi' (Palgrave, *loc. cit.*).

In[1] the pres next to that at the end of the midle rank, marked thus G:

Catesby Roberte Catesby[2] the traitors evidence,[3] selected.

Weightes of[4] haberdepoyz.

Measures of elne and yard.

---

### 𝔄.[5]

In[6] the pres nex to G, marked 𝔄:

Pais Bas, Regina Eliz. Leagues. These are transferred into the Treasorie of Leagues in y^e^ Abby in August 1610. Kalendred into the booke of leagues.[7] Removed the xj^th^ of August 1610.[8] And therin placed[9] such thinges as follow.[9]

---

[1] Agarde has, ' In the presse on the further side this rancke goinge forward marked thus 𝔅. Robert Catesby the treator's evidence, selected out of two great hampers delivered in to me by my late Lord Threasaurer the Earle of Dorset, by the commaundment of S^r^ Henry Hubbard ', Attorney Generall, which cost me a quarter of a yeare's work. Item waightes of Haverdupoiz. Item the measure of ealne and yard, and the mould thereof ' (Palgrave, *loc. cit.*).

[2] ' Catesbyes,' Lat. 323; ' Catesbies,' Ag. 45.

[3] ' evidences,' Ag. 45.

[4] ' of ' written over ' and,' struck through, Ag. 45.

[5] Lat. 323, f. 9*v*; Ag. 45, f. 18*v*. 𝔄 extends to p. 286 below.

[6] Agarde has, ' Item a presse next marked with chalke 𝔄, nothing now [Dec. 1610], because there weare leagues, w^ch^ are transferred into the Thresaur' of Leagues in the Abbay ' (Palgrave, *loc. cit.*).

[7] Ag. 45 has ' and ' after ' leagues.' Cf. Agarde's Ind. 44, to which is appended, ff. [14] *sqq.*, a calendar of treaties ' in ordinem redact. ultimo Septembris 1610.' B.M. Lansdowne MS. 799 contains another calendar of treaties ' in Thesauro infra nuper Abbathiam Westm. Ex^r^ per me Arthurum Agarde, ultimo Septembris 1612 '; on the binding is stamped *Leagues* and Agarde's motto. See also Stowe MS. 138 (calendar of treaties by Agarde and Austen, 1611); Devon, *Issues of the Exchequer during the reign of King James I*, p. 125.

[8] ' A° Regis Jacobi octavo ' after ' 1610,' Lat. 323, Ag. 45.

[9] Lat. 323 has here, ' placed such things as follow folio 31 at the same mark [*sc.* 𝔄].' Ag. 45 has the same, but with a blank for the folio number, which was not filled in; that part containing the documents referred to is in another hand. The original numbering of Lat. 323, which in places alternates between pagination & foliation, ends with ' 23.' Whether this is continued by paginating

Valores[1] diuersarum Abbatiarum et monasteriorum in diuersis comitatibus, reposite[2] in cista sub hoc titulo Ā:

| | | | |
|---|---|---|---|
| A | The valuacion of certaine mannors be longing to Christchurch, Cant. | | Christchurch |
| | Valor monasterii de Badesley,[3] a° 28 H. 8. | | Badesley |
| | Valor Abbatie de Roberts Brigge in comitatu Sussex. | Sussex | Robertsbrig |
| | The[4] value of parcell of the mannor of Campesse. | Suff. | Campes |
| | The value of the late monasterie of Godstowe. | Oxon' | Godstow |
| | Valor monasterii de Walden. | Essex | Walden |
| | Valor Abbatie de Matterseie.[5] | Nott. | Mattersey |
| | Valor monasterii de Leicestre.[6] | Leic. | Leicester |
| | Valor monasterii S$^{ce}$ Trinitatis de Buskelshaue infra decanatum Reding. | Berk. | Buskelshane |
| | An abstracte for the state and landes of the mannasterie of Kirksted. | Linc. | Kirksted |
| | Valor Prioratus de Iveschurch cum aliis in comitatibus Wiltes et Sutht. | Wilts<br>Sutht. | Ivechurch |
| | The yearlie value of certaine landes & tenements belonging to the late attainted Abbey of Whalley in comitatu Lancastrie. | Lanc.<br>Lanc. | Whalley |
| | Valor Abbatie de Tupholme. | Ebor' | Tupholme |
| | The true value of the parsonage of Waterstoke. | Oxon' | Waterstoke |
| | The yearlie value of the mannor of Totenhull. | | Totenhull |

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or foliating, the reference to 'folio 31' is incorrect; various methods of continuing the MS.'s numberings have been tested, but it remains incorrect. The cross-reference in both MSS. takes its place naturally in the 'text,' and is quite uniform with it. It is clearly an example of mechanical copying (*v. sup.*, pp. 230, 232, 236-7).

[1] Lat. 323, f. 25; Ag. 45, f. 44*v*.

[2] 'reposita,' Lat. 323, Ag. 45.

[3] 'Burdesley,' Lat. 323, Ag. 45.

[4] Lat. 322, f. 87*v*.

[5] 'The valewe of Merterssey Abbay,' Lat. 323, with 'the' struck through after 'of.' 'The value of Watersey [*sic*] Abbey,' Ag. 45.

[6] 'The valew of the late monasterie of Leic.', Lat. 323, Ag. 45 (which has 'value').

| | | |
|---|---|---|
| Valor monasterii Beate Marie de Cliva. | Somers. | Cliue |
| Valor[1] domus Beate Marie de Pratis iuxta villam Sti Albani. Et[2] demonstratio status eiusdem domus. A° 5 E. 4. 2 rolls simul. | | De Pratis |
| The value of the mannor of Walton.[3] | Surr. | Walton |
| The yearlie value of Christchurch, London. 6 rolls.[4] | London | Christchurch |
| The value of the Duke of Bedfordes landes. | Pembr. | |
| Compotus Henrici Saxton, Abbatis monasterii de Valle[5] Dei. | Linc. | Dieuall |
| A rentall of sondrie landes belonging to Laund Abbey. | Leic. | Laund |
| A survey of the mannor of Sutton at Hone. | Kanc. | Sutton |

Simul ligata.[6]

**B**

| | | |
|---|---|---|
| Valor monasterii de Launda. | Leic. | Laund |
| Valor omnium terrarum pertinencium ad Novum Prioratum de Hastinge. | Sussex | Hasting |
| Valor[7] Novi Prioratus. | | Newhous |
| Valor manerii de Mulsey. | Surr. | Molsey |
| Valor manerii de Desning. | Suff. | Desning |
| Valor[8] Abbatie de Durfford. | | Durfford |
| Valor manerii de Chirk[9] in comitatu Denbigh. | Wallia | Chirk |
| Valor Prioratus de Lewes. 2 rolls simul. | Sussex | Lewes |
| Valor Prioratus de Totneys.[10] | Devon | Totneys |
| Valor terrarum pertinencium monasterio Sti Augustini Cant. | | St Austens |

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[1] Ag. 45, f. 45.

[2] 'Et' not in Lat. 323, Ag. 45.

[3] 'Sur. ut supponitur' after 'Walton,' Lat. 323, Ag. 45.

[4] Lat. 323 has 'v' before '6' & 'Simul' in the margin. Ag. 45 has 'vj roles simul.'

[5] 'Vallis' for 'de Valle,' Lat. 323, Ag. 45.

[6] 'Simul ligantur,' Lat. 323, Ag. 45.

[7] Lat. 323, f. 25*v*.

[8] Lat. 322, f. 88.

[9] 'Kirke,' Lat. 323; 'Chirke,' Ag. 45.

[10] 'Totton,' Lat. 323, Ag. 45.

| | | |
|---|---|---|
| Valor manerii de Dertington. | Devon | Dertington |
| Valor manerii de Wikeham. | Suff. | Wikham |
| Valor terrarum monasterii Westm$^{r}$. | | Westm$^{r}$. |
| Valor monasterii de Wardon. | Bedd. | Wardon' |
| Valor[1] terrarum et possessionum Abbatie de Rufford. | Nott. | Rufford |
| Valor Prioratus de Denney.[2] | Cant. | Denney |
| Valor Prioratus S$^{ti}$ [3] Thome iuxta Stafford. | Staff. | S$^{t}$ Thomas |
| Valor Prioratus[4] Helaugh. | Ebor. | Helagh |
| Valor Abbatie de Durford. | | Durford |
| Valor Prioratus[4] Marton. | Eborum | Marton |
| Valor Honoris de Wormegty[5] cum aliis maneriis. | Norff. | Wormtgey[5] |
| Valor Fekelteshall et Cokeshall.[6] | Essex | Fekeltshall<br>Coxall |
| Valor siue status monasterii Wilton'. | | Wilton' |
| Valor monasterii de Furneys. | Lanc. | Furneys |
| Rentale eiusdem monasterii. | | |
| The value of the mannor[7] of Bridlington. | Ebor. | Bridlington |
| The value of the attainted monastarie of Wooborne. | Bedd. | Wooborne |
| The value of the mannor of Felleshall & Coggeshall. | Essex | Fellshall<br>Coxall |
| The value of the lordshippe of Braunceton. | | Branceton |
| Parcells of land belonging to the Charterhouse in[8] the Ile of Axholme. | | Axholme |
| The yearlie value of the mannor of Balsull. | | Balsull |
| Tangen' monasterii[9] S$^{ti}$ Albani et Prioratum de Tynmouth. | Northumbr. | S$^{t}$ Alban<br>Tynmouth |
| The yearlie value of Sempringham Abbey. | Linc. | Sempringham |

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[1] Ag. 45, f. 45*v*.

[2] This item not in Lat. 323.

[3] 'S$^{ti}$' not in Lat. 323 or Ag. 45.

[4] Supply 'de'.

[5] *Sic* in Lat. 322. 'Wormegay,' Lat. 323, Ag. 45.

[6] 'Cockshall,' Lat. 323.

[7] 'monasterie,' Lat. 323, Ag. 45.

[8] 'within,' Lat. 323, Ag. 45.

[9] *Sic*.

The value of mannors[1] belonging to
Stonore[2] cum multis aliis. Stonore

A[3] viewe of the mannor of Bridling Kanc. Bridling
w<sup>th</sup> the value therof.

The yearlie value of the mannor of Ebor.
Slindon. Slindon

The survey of Worspring Priory.

The[4] value of certaine landes & mannors
in Somerss. et Wiltss<sup>r</sup>. Somers[5] Wilts } Worspring Bailisclist[5] Light }

The[6] survey of the Priory of Brooke Rutland Brook

The survey of Abingdon. Berk. Abendon

The value of the mannor of Mallinge. Kanc. Malling

A particular of Combmartin. Devon Combmartin

The value of certaine landes & mannors
belonging to the Abby of Quarre in the Quarre
Ile of Weighte.

Simul ligantur.

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Valores[7] diuersarum terrarum in diuersis comitatibus reposita in cista prenominata sub eodem titulo :[8]

C Valor manerii de Pisshoe in comitatu Pisho
Hertf. Hertf.

Compotus manerii de Halton. Halton

The value of the mannors of Yerdley, Wigorn. Bedd. Yerdley Morton Henley }
Morton et Hendley.

Compotus Willelmi Percy[9] a° 23 H. 8
de manerio de Bedwell. Bedwell

Gascoigne The extent of M<sup>r</sup>[10] William Gascoignes[11]
landes.

Valor manerii de Henley Bewfurth. Warr. Henley Beufurth

The value of certaine lo<sup>ps</sup> sold by the
Lo. Dudley Lord Dudley.

[1] 'certen mannors,' Lat. 323, Ag. 45.

[2] 'Stoner,' Lat. 323, Ag. 45.

[3] Lat. 322, f. 88*v*.

[4] Ag. 45, f. 46.

[5] 'Balisclis,' Lat. 323; 'Bailiscliff,' Ag. 45.

[6] Lat. 323, f. 26.

[7] Lat. 322, f. 89.

[8] 'Ā' after 'titulo,' Lat. 323, Ag. 45.

[9] 'Persey,' Lat. 323. Ag. 45 supplies 'de' before 'a°'.

[10] 'S<sup>r</sup>,' Lat. 323, Ag. 45.

[11] 'Gascoines,' Lat. 323.

Valor Castri de [1] Betham. Betham

Boland The yearlie value of Water [2] Bolands lands.

The [3] yearlie value of the mannor of Tassagard & others. Tassagard

A survey or value of the mannor of Eardbury. Warr. Erdbury

Valor manerii de Lughburgh. Leic. Lughburgh

Lo. Dacres The yearlie value of my Lord Dacres lands in the South.

The survey of Pontfracte & Knaresburgh.[4] Ebor. Pomfret Knaresburgh

Simul ligantur.

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D Valor terrarum Ducis Richmond.

Dx Richmond Valor Castri de Richmond. Richmond

The value of the landes given to the Countes of Richmond for her life.[5]

Dx Cornub. Feoda [6] et annuitates Ducatus Cornubie.

Valor eiusdem Ducatus. A° xxiiijto Hen. 8.

Simul ligantur.

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E Ap York Valor [7] Archiepiscopatus Eborum. Inventorium bonorum dicti Archiepiscopi per visitacionem duorum doctorum post attincturam Cardinalis Woolsey, ut videtur.

Ap Cant. Compotus Archiepiscopatus Cantuar. A° 22 H. 8.

The yearlie value of the temporalties of the Archbishoprick of Canterbery.

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[1] 'Castle' for 'Castri de,' Lat. 323; 'Castelle,' Ag. 45.

[2] *Sic* in Lat. 322. 'Walterum,' Lat. 323, preceding which is 'certen Lordshipps,' struck through; apparently the writer's eye was on the preceding item but one in his exemplar. 'Walter,' Ag. 45.

[3] Ag. 45, f. 46*v*.

[4] 'Knavesborough,' Lat. 323.

[5] 'for her life,' not in Ag. 45.

[6] Lat. 323, f. 26*v*.

[7] Lat. 322, f. 89*v*.

B$^{p}$ Hereff. The view of accompt of the Bishoprick of Hereford.

A$^{p}$ Cant. The value of the temporalties of Canterbury, 3,900$^{li}$ 17$^{s}$ 7$^{d}$ ob. di. q$^{r}$.

Valor Archiepiscopatus Cantuar.

B$^{p}$ Linc. Valor spiritualium Episcopatus Lincoln' et temporalium eiusdem.

B$^{p}$ Worceter Compotus[1] temporalium Episcopatus Wigorn'. A° 24 H. 8.

Compotus receptoris Episcopatus Wigorn'. A° 25 H. 8.

B$^{p}$ Bath Declaratio compoti recepte[3] Episcopatus Bathon' et Wellen'.[2]

B$^{p}$ Linc. Declaratio compoti receptor[3] generalis Episcopatus Lincoln.

B$^{p}$ Norwis. Spiritualia nuper Episcopatui Norwicen'[4] pertinencia cum valore eiusdem.

B$^{p}$ricks. For the temporalties of the Bushops of England.

B$^{p}$ Covent$^{r}$ The accompt of Richard Streete, Clarke of the Revenue of the Bishoprick of Coventree and Lichfeild.

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F

D$^{s}$ Audley Valores[5] omnium terrarum Johannis Tuchet, militis, domini de Audley.[6]

Warwick / Spencer The value of Warwick landes & Spencers lands.[7]

John Bourghier, Lord Berners,[8] his landes in Staffordss$^{r}$ & Wilts$^{r}$. Staff. Wilts.

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[1] Ag. 45, f. 47.

[2] The writer of Lat. 323 omitted this item at first, his eye apparently dropping to the next 'Declaratio' in his exemplar. After writing that (i.e. 'Declaratio . . . Lincoln'), he began underneath 'Spiri,' then, noticing the omission, struck 'Spiri' through and entered the omitted item 'Declaratio . . . Wellen.'

[3] *Sic.*

[4] 'Norwy,' Lat. 323.

[5] Lat. 322, f. 90.

[6] 'in comitatibus Cestr', Salopp et Stafford,' after 'Audley,' Lat. 323, Ag. 45.

[7] 'lands' not in Ag. 45.

[8] 'John Bourcher, Lo: Berewers [*sic.*],' Lat. 323; 'John Bourcher, Lo: 'Berners,' Ag. 45.

D$^{x}$ Lanc. The value of the [1] Dukedome of Lancastre.

Seymore S$^{r}$ Edward Seymore,[2] knight, his landes.

Broghton Valor maneriorum Johannis Broughton, armigeri,[3] in comitatu Bedd. precipue et in diuersis [4] aliis [4] comitatibus. Bedd.

Lo. Hertf. My lord of Hertfords landes.

C. Northumbr. The value of certaine lordshippes of the Earle [5] of Northumberland.

D$^{x}$ Suff. Valor [6] terrarum Edmundi de la Pole, Ducis Suff.

Dacres Valor terrarum Tho. Dacre [7] in comitatibus Norff. et Suff.[8]

The yearlie value of the mannor of Old Cleve cum membris. Somerss. Cleve

Dos Regine A value of certaine lord$^{ps}$ & Honers for the joynture of the Ladie Katherine Hayward.

Beamond The value of Beamonds [9] landes.

A breif value of the lordship of Halfnaked. Sussex Halfnaked

Dudley A true value of S$^{r}$ John Dudleys landes. Sussex

Stonore The title of S$^{r}$ Walter Stonore [10] to Sotwell & others. Sotwell

D$^{s}$ Abergeny The [11] names and the value of George Nevills landes,[12] who is Lord of Abergaveny.[13]

E. Northumbr. The value of the Earle of Northumberlands lands in divers sheres.

Valor manerii de Estoneston. Northt. Estoneston

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[1] Lat. 323 and Ag. 45 have 'parcell of the' after 'the.'

[2] 'Seymon [*sic.*],' Lat. 323.

[3] 'Esq$^{r}$.,' Ag. 45.

[4] 'aliis diversis,' Ag. 45.

[5] 'My Lord' for 'the Earl,' Lat. 323, Ag. 45.

[6] Lat. 323, f. 27.

[7] 'domini Dacres,' Ag. 45.

[8] 'A° 22 H. 8' after 'Suff.', Lat. 323, Ag. 45.

[9] 'Beamoundes' altered from 'Beamountes,' Lat. 323; 'Beamountes,' Ag. 45.

[10] 'Stoner,' Lat. 323, Ag. 45.

[11] Ag. 45, f. 47*v*.

[12] 'Nevill his landes' for 'Nevills landes,' Lat. 323, Ag. 45.

[13] w$^{ch}$ is Lord Burganey,' Lat. 323, Ag. 45.

Ds Delawar The value of the Kinges landes in Wherwelle[1] to be changed wth the Lord de[2] la Ware. Sussex Wherwell

Stanley Valor terrarum Willelmi Stanley,[3] militis, attincti. Cestr. Flint }

Hr Hertf. The yearlie value of the Honor of Hertford wth thappurtences.

Ask The lands that Mr Ask delivered to the Kinge. Sussex.

Tempest The value of the landes given to Sr Thom. Tempest.[4]

Simul ligantur.

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G A[5] bundle of accompts and other thinges touching Windsore Castle, a° 30 H. 8.

Simul ligantur.[6]

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H

Griffith The value of Rees ap Griffithes landes per annum.

Account An accompt of William Brabason.[7]

Glamorgan Morganok Carew Valor maneriorum de Glamorgan et Morgannok pro dominio[8] de Carewe, cum membris. Wales Glamorgan Morganok Carew }

Pro dominio de Carewe cum membris.[9]

Valor manerii de Cardigan. Cardigan

Rise Valor terrarum certarum[10] assignatarum Domine Katerine Rise.

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[1] 'Wherewlee,' Lat. 323; 'Wherewlee,' Ag. 45.

[2] 'de' not in Lat. 323 or Ag. 45.

[3] 'Standley,' Lat. 323.

[4] 'Tempes,' Lat. 323, Ag. 45.

[5] Lat. 322, f. 90*v*.

[6] Not in Lat. 323.

[7] For this and the following three lines, Lat. 323 has 'An accompte of Wm. Brabason. Southwall' pro domino de Carewe cum membris' as one item, and, underneath, as a separate item, 'Valor maneriorum de Glamorgan et Morgannoke.' Ag. 45 has 'An accompt of William Brabazon' as one item and 'Valor . . . Morgannok' underneath; in the margin, referring to both, is 'pro dominio de Carewe cum membris.'

[8] *Sic.*

[9] *Sic.*, i.e. 'Pro . . . membris' repeated as a separate item in Lat. 322.

[10] 'certarum tenarum,' Lat. 323, Ag. 45.

Valor dominii de Westhaverford, parcelle terrarum Jasperi, Ducis Bedford. Hauerford

Valor omnium terrarum Regis in comitatu Caernarvan. North Wales

Valor[1] manerii de Lanstepham, parcelle terrarum Ducis Bedd. Lansteph.

Simul ligantur.

I Landes[2] belonging to the Gray Freres of Aylesbury.[3] Aylsbery

Instruccions for the city of York. York

Particio tangenc' Honorem Hereford. H$^{r}$ Hereff

Compotus Willelmi Watford, custodis celle Sancti Felis in Walton. Walton

D$^{s}$ Scrope Landes appointed to the Lord Scroope.[4] Ebor.

For Pishoe mannor in Hertfordss.[5] Hertf. Pisshoe

Certaine mannors, landes & tenements assigned to the Kinges Highnes in recompence & exchange of the Honor of Cockermouth w$^{th}$ thappurtenances, w$^{ch}$ were the Earle of Northumberlands. Cokermouth

Thextent of the temporall possessions and spiritualties[6] of Westminster. Westm$^{r}$

The charges of New Colledge besides Winchester. New College

Curia Margarete de Pikering manerii de Ingelton. Ingelton

A survey of the mannor of Windlesworth.[7] Surr. Wandlesworth

The Kinges woodes in Cherston. Wilts Chersto

A plotte of certaine mannors & landes lyeng w$^{th}$in the Kinges forest of Waltham. Essex Waltham

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[1] Lat. 323, f. 27*v*.
[2] Ag. 45, f. 48.
[3] Alisbury,' Lat. 323; 'Alesbury,' Ag. 45.
[4] 'Scrope in Yorkeshire' for 'Scroope,' Lat. 323, Ag. 45.
[5] 'Hereford,' Lat. 323, Ag. 45. Hertfordshire is correct.
[6] 'spirituall,' Lat. 323, Ag. 45.
[7] *Sic.*

Subthesaur. Compotus[1] Subthessaurarii Scaccarii Willelmi Compton, militis, 16 &[2] 17 H. 8.

E. Bath E. Essex The title of the Earle of Bath to the landes late Henry E. of Essex.

Religiosi A commission for the survey of religeous houses, $w^{th}$ articles for the same.

Spirituall possess. Instruccions devised and $w^{th}$ the Kinges hand signed to know the iust yearly value of all spirituall possessions $w^{th}$in this realme.

The title of Roberte Bertlott unto three closes of land in the parish of White Chappell in Stebenheth. Whitchapell

Decime parochie de Denardstone.

D$^x$ Beddf. Feoda et vadia soluta extra parcell' ducatus Bedford.

A[3] peticion to have liberties granted to the town of Lenne. Norff. Lenn.

A survey of Lewsham Wood called Westwood. Kent Lewsham

D$^x$ Suff. Delapole[4] Duke of Suff. landes, ut supponitur.[4]

What landes the King had about S$^t$ James. Midd. St James

The manor of Cleton given to S$^r$ Anthony Browne. Eborum Cleton

A viewe taken by S$^r$ John Daunce of landes lyeng at Lewsham in Kent for the making of Eltham parkes. Kent Lewsham Eltham

ray Compotus Johannis Sakvile pro terris Domine Katerine Bray.

D$^x$ Ebor. A declaracion of the revenue[5] of Yorke.

Compotus receptoris prepositi de Beverlaco. Eborum Beverley

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[1] Lat. 322, f. 91. [2] '&' not in Ag. 45. [3] Ag. 45, f. 48*v*.

[4] 'De La Poles landes Duke of Suff., as maye be supposed,' Lat. 323, Ag. 45. This item, the last on f. 27*v*. of Lat. 323, is repeated as the first item of f. 28.

[5] 'revenues,' Ag. 45.

Ecclesia Collegii S$^{ti}$ Johannis de[1] Beverlaco.

Simul ligantur.

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K

C$^{s.}$ Richmond — Fees & annuities graunted by[2] the King of the landes of Margaret, late Countes of Richmond & Derby.

E. March — Fees & annuities as well granted by King Hen. the vij$^{th}$ as[3] Hen. 8, out of the Earle of Marches landes.

C$^{s}$ Surr. — Carta Johannis de Warenna, Comitis Surr.,[4] per quam concessit Regi[5] Edwardo secundo diuersa castra, villas et maneria in comitatu Surr.[6] Surr.

Scotland — Littere patentes pro officio locumtenentis facte per Ed. 4$^{um}$ fratri suo Duci[7] Gloucestrie contra Scotos.

Woods — The causes of decay & destruccion of the Kinges woods in[8] his graces parkes, chases & forestes.

Faculties — The[9] arrearages of the receipt of the Office of Faculties due to Cardinall Woolsey. 21 H. 8.[10]

Husbandry — Presentments[11] of sondrie sheeres against decay of tillage.

Anne R$^{na}$ — The booke of the debtes of the late Queene Anne at her death. Bis.[12]

D$^{x}$ Suff. — Indentura inter Regem[13] et Ducem Suff.

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[1] 'de' not in Ag. 45, which has 'Beuerlac'.

[2] Lat. 323 and Ag. 45 have 'Our soueraigne Lord' after 'by.'

[3] 'by Kinge' after 'as,' Lat. 323.

[4] 'de Surrey,' Lat. 323, Ag. 45.

[5] 'Regi' not in Lat. 323, Ag. 45.

[6] 'eiusdem' for 'Surr.', Lat. 323, Ag. 45.

[7] 'R:' before 'Duci,' Lat. 323, Ag. 45.

[8] 'within,' Lat. 323, Ag. 45.

[9] Lat. 322, f. 91*v*.

[10] '8' not in Lat. 323, Ag. 45.

[11] Ag. 45, f. 49.

[12] 'Bis' not in Lat. 323 or Ag. 45. It is out of alignment in Lat. 322, and was apparently added later; but it is in Squyer's hand. *V. inf.*, p. 279 n. 2.

[13] 'dominum Regem,' Lat. 323, Ag. 45.

Newers-gifts The Goldsmithes warrant of plate receaved of them by the Kinges Highnes upon Newyeares Daie, a° xxv° Hen. 8.

Tents Halys, tentes & pavilions.

Supplicacion of James Bacon against
Rome one that sued him at Rome about a mariage matter.

Terra R$^{s}$. The increase of landes for the King in Wales et alibi.

Roba R$^{s}$. Expences [1] of H. 8 for his rich apparrell before his going to Tirwyn and Turney.[2]

Dyet Concerning the dyet of the Kinges houshold, the Princes dowager and the [3] Ladie Maries house.

C$^{s}$ Sarum The title of Margaret, Countes of Sarum to [4] Canford et al. terr.[4] Canford

Primitie Concerning the graunte of the first fruites of the spirituall dignities unto the Kinges Highnes w$^{th}$ the grant also of xxx$^{li}$ per [5] annum to the Kinges heires.[5]

How bountifull King H. 8 hath been to sondrie of his nobilitie & others [6] his
Forfeiturs subiectes in not using seueritie of forfeitures.

A booke concerning Canford and Ware, declaring the Kinges title to the same. Canford Ware

Exempcion S$^{r}$ William Euers, knight, and others of the frontiers of Scotland requesting to be exempt for diuers thinges exacted on them.

H. 7 Tomb The [7] charges of the making of King Hen. the [8] vij$^{th}$ tombe.

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[1] Lat. 323, f. 28*v*.

[2] Underneath this item Lat. 323 and Ag. 45 have, as a separate item, 'Queene Annes debtes.' *V. sup.*, p. 278 n. 12.

[3] 'my,' Lat. 323, Ag. 45.

[4] 'certen landes within specified, Cunford [*sic*] et alibi,' Lat. 323. Also Ag. 45, which has 'Canford'.

[5] 'by the yeare to the King his heires,' Lat. 323, Ag. 45.

[6] 'other of' for 'others,' Lat. 323, Ag. 45.

[7] Ag. 45, f. 49*v*.

[8] 'the' not in Lat. 323.

Dona H. 7 A declaracion of the grauntes, fees & annuities given to divers persons in the time of King Hen. the [1] vij$^{th}$.

Custom A declaracion of [2] an accompt of the custome of the crowne, a° 16 H. 8.

Navy The account of the Clarke of the Navie for the three first yeares of H. 8.

Feoda soluta diuersis personis per [3] H. 7 & [4] H. 8.

Simul ligantur.

L

Deb. R$^{s}$. Two [5] books of bondes & recognizances forfeited to the King & others.

Vicecom. Compotus pro Vicountells.[6] Essex et [7] Hertf.

D. Lanc. Fees paid out of the Duchie of Lancastr.

Comptons Will S$^{r}$ William Comptons will.

Spencer The will of S$^{r}$ Jo. Spencer of Wormleighton.

Gilford The inventorie of S$^{r}$ Henry Guldefordes goods.[8]

Decime The copie of an Acte of Parlement that no scholler should paie first fruits or tenths.

Berwik Touching treason against Berwike. Berwike

A [9] copie of the title shewed to [10] the Kinges Councell of the mannor of Ashdon for John Leigh. Essex Ashdon

The answeare of the Prior of Lanceston to the bill of complaint presented to the Kinges Ma$^{tie}$ by William Kendall and other monkes there. Lanceston

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[1] 'the' not in Lat. 323.

[2] 'or,' Lat. 323, Ag. 45.

[3] Lat. 323 and Ag. 45 have 'Reges' after 'per.'

[4] '&' not in Lat. 323.

[5] Lat. 322, f. 92.

[6] *Sic* in MSS.

[7] 'et' not in Lat. 323.

[8] 'his goodes,' Lat. 323, Ag. 45.

[9] Lat. 323, f. 29.

[10] 'unto,' Ag. 45.

Plate Parcells of plate deliuered to the French Queenes use.

Coffrers Tallys Money deliuered to the Coffrer by talleyes for the Kings houshold, 4 H. 8.

Custom-hous Fees paied to divers out of the Custome House.

A copie of the Kinges commission to survey the Abbey[1] of Rouceter Colwich in Staffordss^r^. Staff Colwich

Fines Fines[2] levat' in comitatu Cornubie, a° 14 H. 7. Cornub.

A patent concerning the creacion of the Ms Exeter Marques of Exeter.

Offices Offices lyeng in Warr. given to S^r^[3] Edward Belknap, knight.

A copie of the Kinges lettres patents made to S^r^ Hugh Vaughan for the Ile of Jersey. Jersey

Simul ligantur.

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**M**

Prince A[4] declaracion what landes of the Kinges are lett by lease in the Court of Survey in Wales, Duchy of Cornwall, & diuers other places, as appeareth by a paper[5] w^th^in. Wales Cornub.

Taxatio facta in comitatu Suff. de Spiritualtie spiritualibus. Suff.

E. Kent The landes w^ch^ the Earle of Kent consumed.

Escambium pro Temple[6] Roydon etc. Roydon

Officium Seneschalsie[7] de Higham Ferrers concesss' Roberto Tirwitt,[8] militi. Northt. Higham Ferrer

Fines made in Devonss^r^ for offences done against the Kinge. Devon

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[1] 'Abbey Priory,' Lat. 323; 'Abbie Priorie,' Ag. 45.
[2] Ag. 45, f. 50.
[3] 'S^r^' not in Ag. 45.
[4] Lat. 322, f. 92*v*.
[5] 'by a paper' not in Ag. 45.
[6] 'Templo,' Lat. 323, Ag, 45.
[7] 'seneschally,' Lat. 323; 'senescalli,' Ag. 45.
[8] 'Tirwilt,' Lat. 323; 'Turwitt,' Ag. 45.

Stonor
Fortescu
A breviate of the title of Thomas Stonore to his landes, parte of Stonore and part of Fortescue.

Belknap
A pardon granted to the executors of Edward Belknappe, knight.

Coker-mouth
The [1] Honor of Cokermouth w$^{th}$[2] other landes conveied [2] by fine to the use of Henry Percy and Maud his wife and to the heires males of their two bodies etc.

Exchange
Certaine landes in divers sheeres appointed to be exchanged. H. 8.[3]

Stony Midleton
Presentatio facta contra Georgium, Comitem Salop pro decasu de Stony Midleton.

C$^{s}$ March
Terre [4] Edmundi, Comitis Marchie.

Wiloby
The title of S$^{r}$ Anthony Willughby,[5] knight, to certaine mannors late his fathers.

Hertf.
Ware
The title of Margaret, Countes of Sarum to the lordshippe of Ware.

Henage
D$^{s}$ S$^{t}$ John
An indenture betwixt M$^{r}$ Henage and the Lord S$^{t}$ John.[6]

York
Certaine thinges heerin conteyned are the principall decay of the cittie of York.

Buk.
Harsham
Inquisicio capta coram escaetore super diem clausit [7] etc. [8] pro manerio de Haversham alias [9] Harsham terris [10] Roberti Russell in comitatu Buck.[11]

Sutton
Boseley
The copie of an order made in the Starchamber betwixt the tenantes of Sutton for the King and the tenantes of Boseley, the Earl of Darbies.[12]

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[1] Lat. 323, f. 29*v*.

[2] 'conveyed with other landes,' Lat. 323, Ag. 45.

[3] 'as I thinke in H. 8 tyme' for 'H. 8,' Lat. 323, Ag. 45.

[4] Ag. 45, f. 50*v*.

[5] 'Williughby [*sic*],' Lat. 323; Williugby,' Ag. 45.

[6] 'S$^{t}$ Johns,' Lat. 323, Ag. 45.

[7] 'cluuss [*sic*],' Lat. 323.

[8] 'pro terris in comitatu Buck. scilicet,' after 'etc.', Ag. 45.

[9] 'alias dicta,' Lat. 323, Ag. 45.

[10] 'de terris,' Lat. 323, Ag. 45.

[11] 'in comitatu Buck' not in Lat. 323 or Ag. 45.

[12] 'Dabies,' Lat. 323.

Supplicacion made by the tenantes of Chesterford to the Abbot of Westm$^{r}$ against the farmor thereof. Essex Chesterford

The title of M$^{r}$ Empson to the mannor of Whitingham. Whitingham

A court rolle of Baketon, anno 9 H. 8. Baketon

Dos Barkley My Ladie Barkleys[1] jointure.

A deed of feofment given by William Knevet[2] unto his sonne Charles Knyvett for the[3] mannors of Hamerton and Wynwyk. Hamerton Wynwick

A lease made of a prebend of Wilsden for lx yeares, 26 H. 8. Midd. Wilsden

Simul ligantur.

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N An[4] estimate of 20,000$^{l}$ for the Kinges building at[5] Bridewell. Bridewell

The reparacion of the Colledge of Warr. Warwike

A license given by the King to erect[6] a chantrie at Loverham. Suff. Loverham

S$^{t}$ John Oliver S$^{t}$ Johns patent for[7] landes late the Earle of Lincolnes[8] in Kent, Oxon., et Essex.

Tents A declaracion of the accompt of the Sargeant of the Tentes.

E. Oxon. A declaracion of the landes & revenues belonging to the Lord of Oxenford.

Bray Administratio testamenti Reginaldi Bray.

Justic. Instruccons for the Kinges commission of Justices on this side Trent for S$^{r}$ Richard Sacheverell and S$^{r}$ William Fitzwilliam.

Woodward Compotus Johannis Mordant, militis, omnium boscorum Regis infra regnum Anglie, 24 H. 8.

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[1] 'Bartley,' Lat. 323; 'Barteleys,' Ag. 45.

[2] 'Knevitt,' altered from 'Knevill,' Lat. 323.

[3] Lat. 322, f. 93.

[4] Lat. 323, f. 30; Ag. 45, f. 51.

[5] 'ad [*sic*],' Ag. 45.

[6] 'rerecte,' Lat. 323.

[7] 'of,' Lat. 323, Ag. 45.

[8] 'Lincolne,' Lat. 323; 'Lincoln,' Ag. 45.

Concerning the foundation of a chantrey at Campes [1] in the diocess of Norwich.[1] Suff. Camps

The viewe of the Abbey of Leiceter and the Castle of Killingworth. Leiceter Killingworth

A viewe of the scite [2] of the Gray Friers in Coventree. Coventree

A rentall of landes about Croydon, w^ch^ the King was to buy. Surr. Croydon

A declaracion of the revenues of the Colledge of Beverley. Ebor. Beuerley

Fundatio capelle de Balking.[3] Balking

Simul ligantur.

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**O** Mynt

A [4] bundle intituled Concerning the Mintes [5] and the Mines in Devonss^r^ and Cornwall, etc.

Simul ligantur.

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**P**

A [6] bundle intituled Concerning Wales & Chester, the Principalitie & Erldom, and the Marquesite [7] of Pembroke. Prince Wales

Simul ligantur.

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**Q**

A [8] bundle intituled Parvi momenti, tamen quere.

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**R**

The value and survey of sondrie mens landes & mannors of the Kings. Set [9] parvi momenti.

**S** Abiuration

Abiuracion of sondrie persons of Luthers opinions.

**T** Sedition

Examinations & confessions for seditious words spoken against the Kings supremacy & mariage.

[1] 'Camps dioc. Norwich,' Lat. 323, Ag. 45.

[2] 'sitie,' Lat. 323.

[3] Margin of Lat. 323 and Ag. 45: '1476.'

[4] Ag. 45, f. 51*v*.

[5] 'Minte,' Lat. 323, Ag. 45.

[6] Lat. 322, f. 93*v*.

[7] 'Marques,' Lat. 323, Ag. 45.

[8] Lat. 323, f. 30*v*.

[9] 'Sed,' Lat. 323, Ag. 45.

V Examinations & confessions for seditious wordes.

Md that the deedes wth these 4 letters, R, S, T, V,[1] are removed into ye pres marked thus P͙.[2]

W State Touching State matters, French, Scottish & English.[3]

X In [3] cista sic notata, A̅ :

Acquietancia Johannis Longevile versus Willelmum Hogill cum aliis pro monasterio de Bridewell. Bridewell

Evydences[4] de Brokes in Dratford.[5] Dartford

The resolucons of St Peters lands in Ipswich. Ipswich

Breve escætori pro Tonbrige et Leosnes, etc. Kent Tonbridge Leosnes

Compotus Willelmi Capen Collegii Gipwici. Ipswich

Manerium de Dodenesh. Dodenesh

Landes & rentes belonging to the late Priory of Walingford in the countie of Kent. Kent Walingford

The survey of Abendon for woods only. Abendon

Status domus sive monasterii de Shepey per inventorium.[6] Shepey

The revenues of the late monastarie of Walingford. Walingford

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[1] 'afore written' after 'V,' Lat. 323, Ag. 45.

[2] For this press *v. inf.*, pp. 303 *sqq.*, 313 *sqq.* In Squyer's case the reference is a forward one (from Lat. 322, f. 93*v.*), P͙ being on ff. 98*v.*-99*v.* and 100-105*v.* (in the hand of his continuator). In the case of Lat. 323, and Ag. 45, the reference is backwards, from the last page of the calendar.

[3] 'In cistata sic notata, A̅' follows immediately after 'English' in Lat. 323.

[4] Ag. 45, f. 52, which has 'Evidencie.'

[5] *Sic* in MSS.

[6] 'An Inventory' for 'per inventorium,' Lat. 323, Ag. 45.

Rents belonging to the late monastarie of Syon. Syon

Compotus de Leosnes. Leosnes

Simul ligantur.

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Benevolence A[1] long booke of benevolence[2] of the best in euery sheere, tempore[3] H. 7 uel H. 8.[3]

P.a Maria Expences in Princes Maryes household.

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In[4] the pres next to 𝔄 marked thus ꝶ:

Assisse de tempore Regis[5] Edwardi tercii.

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In[6] the pres next to ꝶ marked thus **D**:

Assisse de tempore Regis Edwardi primi in comitatibus Eborum, Linc., Westmorl., Cumb., Northumbr., Lanc., Norff., et Suff., cum aliis. Et Placita Corone.[7]

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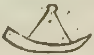
[1] Lat. 322, f. 94. [2] *Sic.*

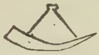
[3] ' In yᵉ tyme of Henr the vijᵗʰ or H. 8ᵗʰ,' Lat. 323 ; ' in the time of H. 7 or H. 8,' Ag. 45.

[4] Lat. 322, f. 94*v.* ; Lat. 323, f. 9*v* ; Ag. 45, f. 18*v*. Agarde has, ' In a presse marked with R are Assise de tempore Regis E. 3 ' (Palgrave, p. 325).

[5] ' Regis ' not in Ag. 45.

[6] Agarde has, ' In a presse next to R marked with D : Assise de tempore Regis E. 1 in Com. Ebor', Lincoln', Westmorland', Cumberland', Northumberland', Lancastr', Norff', & Suff.' cum aliis ; et placita Corone ' (Palgrave, pp. 325-326).

[7] Between D and  Agarde has a press not in the above calendar, namely, ' In a presse at th' end next to D : marked thus E. lr̃es given to Cardinal Wolsey & Thomas Cromwell ' (*Ib.*, p. 326 ; the MS. (Ag. 44, f. 6*v*.) originally had ' and ciphers of intelligences ' after ' lr̃es,' but this was later struck through ; it is not struck through in other copies, e.g. Ag. 46, f. 26*v*.). It should be noted that this is not the press without letter or sign which this calendar has additional to Agarde, for that was between A and ℜ (*v. sup.*, pp. 232-3) ; see also its contents (*sup.*, pp. 260-1). Moreover, had its omission been a slip in Lat. 323 Squyer would presumably have inserted it in that MS. as he did with the omitted portions of ℜʃ and 𝔛 (*sup.*, p. 266). Not only does he not do this, but in his own copy (Lat. 322) he states quite specifically, as do Lat. 323

In other two presses next to **D** [1]
marked thus  :

Divers Assisse in diuersis aliis comitatibus de tempore Regis Edwardi primi, scilicet in partibus orientalibus,[2] occidentalibus, australibus et mediterraneis.

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In [3] a litle cupbord in the wall next the north windoe at the furmost end are conteyned these records followeng, marked as above : [4]

A [5] box subscribed Barnard Castle & Libertates Episcopi [5] Dunelmensis. For [6] Castle Bernard there are two [6] grantes under [7] the great [8] seale of Ed. 3 made to Guy E. of Warr. of the said Castle & other lands w$^{ch}$ were Robert Bruys & John Bailloll, attainted.[9] North-umbr. C$^{m}$ Bernard Duresm

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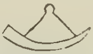
and Ag. 45, that  was next to D (see next note). Further, notice the description of E, that it was one of the presses in the middle of the room (which were presumably moveable), and that it was 'a presse at the end.'

[1] *Sic* in MSS., i.e. not 'E.' Agarde has, 'In other two presses next to E [see preceding note] marked , Diverse assise in diversis aliis Comitatibus de tempore Regis E. 1 scilicet in partibus orientalibus, occidentalibus, australibus et meriditaneis' (Palgrave, *loc. cit.*).

[2] 'rientalibus [*sic*],' Lat. 323.

[3] Lat. 323 and Ag. 45 (f. 19) head this section (which extends to p. 293 below) 'Collected 1610.' Agarde has, 'In a little cupboard in the wall, next y$^{e}$ north window at the fudermost end marked thus, Collected : 1610 : are conteyned divers recordes of accomptes, etc. bound in bundles, and on every bundle the contents written, which are also entred into a booke, and conteyne twoe leaves [Margin : 'This book lost & never seen by *Peter Leneve*]' (Palgrave, *loc. cit.*).

[4] I.e. 'Collected 1610,' Squyer having omitted this heading (see previous note).

[5] 'A box . . . Episcopi,' the last item of Lat. 322, f. 9*v*., is repeated as the first item of f. 10. Lat. 323 and Ag. 45 have 'ibidem' after 'Dunelmensis.'

[6] 'For Castrum Bernarde. Theere ij' [etc.], Lat. 323. 'For Castrum Bernard 2 grantes, etc.', Ag. 45, with '3' struck through before '2.'

[7] 'unden,' Lat. 323. [8] 'broade,' Lat. 323 ; 'brod,' Ag. 45.

[9] After 'attainted' Lat. 323 has 'Redeliuered 20° Novem: 1619' ; an indication of mechanical copying, as it takes its place naturally in the 'text,' with which it is quite uniform ; it is not a later addition. Squyer omits it from

A rolle conteyning the viewe of woods & timber felled in Chesthunt[1] woods & sold etc.[2] Hertf. Chesthunt

A booke conteyning the survey or rentall of the mannor of Wye,[3] H. 8.[4] Wye

Temple Newsom cum membris
Buttercramp
Scraynham
Templehirst
Assheford

Bywell cum membris
Ovington
Shotlegh cum Shotlefeld
Bromhalgh[5]
Myklegh

Lee
Newton
Birkinside &
Staveley[6]
Bromlegh
Ellington.

Say Rentale Johannis Say, militis, de manerio de Sayesbury et Sabrichworth, a° 14 E. 4.[7] Hertf. Saysbury Sabrichworth
Deliuered to y$^{e}$ E. of Midd.[8] by warrant 3° Dec. 1616.[9] Hertf.

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Lat. 322. Ag. 45 has, similarly, in its margin: 'This box was deliuered to S$^{r}$ Robert Cotton the 22th of Sept. ['Febr' struck through before 'Sept'] 1615 by my Lo: Tresorers letter. Redeliuered 20 Nov. 1619'; this, again, is not a later addition.

[1] 'etc.' after 'Chesthunt,' Lat. 323, Ag. 45.

[2] '16 H. 8' after 'etc.', Lat. 323, Ag. 45.

[3] 'Wlye,' Lat. 323.

[4] Lat. 323 and Ag. 45 have 'non patet quo anno sett H. 8 pro certo,' and underneath, 'A booke intitled Rentale terrarum et tenementorum prenobilis domini ['Tho.,' Ag. 45] Darcye, militis, domini Darcy ibidem renovat' mense Sept. A° 20 H. 8,' followed by the list of manors as above. This is apparently an omission on Squyer's part due to a combination of homœoarcton & homœoteleuton. It should be added that the above manors in fact belonged to Darcy.

[5] 'Bromehalgh, Riddinge,' Lat. 323, Ag. 45.

[6] 'Slaveley,' Lat. 323; 'Claveley,' Ag. 45.

[7] 'Hertf. ut supponitur,' after '4,' Lat. 323, Ag. 45.

[8] Lat. 323 has 'Sir Lionell Granfield [*sic*]' and Ag. 45 'S$^{r}$ Lyonell Cranfeld' for Squyer's 'y$^{e}$ E. of Midd.' Cranfield was created Earl of Middlesex on 16 Sept. 1622 (*Comp. Peer.*, III, 494).

[9] 'Suff.' after '1616,' Lat. 323. Squyer originally wrote it in the same position in Lat. 322, but then struck it through. Hertford (as Squyer's marginal) is correct. This Rental had apparently not been redelivered at the time Squyer was writing (cf. *sup.*, n. 6). Documents were frequently kept out over a period of years before being returned (if they were returned), e.g. certain treaties delivered to Sir Ralph Winwood in 1605 were not returned until 1617 (cited in Ryl. Lat. MS. 306, f. 17).

A[1] survey of the monastarie & mannor of Rumburgh. Suff.

The rentall of the mannor of Testwood. A° 19 H. 8.[2] Sutht. Testwood

C$^{a}$. Sarum Actes of Parliaments et al',[3] touching the restitution of Margaret,[4] Countes of Salsbery,[4] a° 5 H. 8. Pro Ware quere. Ware

Quo[5] Waranto Prior Dovor tenet medietatem tolneti marcati de Dovor. Kanc Dovor

The[6] rentall of Estoneston, Towcestre etc., Fermors landes.[7] Northt. Estoneston Toucester

The rentall of Temple Cowley cum membris & Horspath.[8] A° 10 H. 8.

A booke of survey of the lo$^{pp}$ of Bulmer & other lo$^{ps}$ late S$^{r}$ John Bulmers, attainted. A° 29 Hen. 8. Ebor. Bulmer

The customes of the mannor of Newport in Suth Wales and Rompney, once the Duke of Buckinghams. Wales Newport Rompney

Sondrie rentalls concerning landes in Chesthunt. Hertf. Chesthunt

Compotus diuersarum terrarum diuersorum attinctorum de alta prodicione, viz.[9] Oxon Berk.

Johannis Salsbery, chr.
Roberti Trussell, chr.[10]
Roberti Tresilian,[11] chr.
Roberti Bealknap, chr.
Simonis de Burley, chr.
Johannis Beauchamp, chr.

Fundatio Abbatie S$^{ti}$ Albani.

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[1] Ag. 45, f. 19*v*.

[2] 'Suth. ut supponitur' after 'H. 8,' Lat. 323, Ag. 45.

[3] 'other writinges' for 'al.', Lat. 323; 'and other writinges,' Ag. 45.

[4] 'the Countes of Sarum Margarett,' Lat. 323, Ag. 45.

[5] Lat. 322, f. 95.

[6] Lat. 323, f. 10*v*.

[7] 'ut supponitur' after 'landes,' Lat. 323, Ag. 45.

[8] 'Horspatche,' Lat. 323, Ag. 45.

[9] 'scilicet,' Lat. 323, Ag. 45.

[10] 'chr.' not in Lat. 323 or Ag. 45.

[11] 'Trusylian,' Lat. 323, Ag. 45.

| | | | |
|---|---|---|---|
| | Placite et carte tangen'[1] terras et tenementa que fuere Johannis Benetfelde in Benetfeld, Whitwaltham et alibi, et in manerio de Cokeham. | Berk. | Benetfeld<br>Whitwaltham<br>Cokeham |
| | A decree for the inhabitantes of Messinge, Tolleshunt etc. for their common upon Tiptree Heath. | Essex | Messing<br>Tollshunt<br>Tiptree |
| | Libertates Castri et manerii de Carewe in comitatu Pembr.[2] | Pembr. | Carewe |
| | Fundatio Abbatie de Bello. | Sussex | Battle |
| | Feoda et consuetudines de Upton.[3] | Wigorn. | Upton |
| A$^{s}$ Ramsey | Libertates Abbatis de Ramesey concessse per Reges Hen. 1, Stephanum, Hen. 2, et Johannem, pro feria et marcata in villa de[4] S$^{to}$ Ivone. | Hunt. | S$^{t}$ Iues |
| | Rentale[5] de Stivecley. | | Stivecley |
| | Sursumreddicio[6] pro terris in manerio de Heese. A° 6 Hen. 8. | | Heese |
| | Carte tangen' Prioratum de Arundell. | Sussex | Arundell |
| | Tangen' terras Ducis Cornub. in comitatu Northt., scilicet Harwell, et Whitchurch[7] in comitatu Oxon'.[7] | Northt.<br>Oxon. | Harwell<br>Whitchirch |
| | Expensse[8] prisonum, scilicet Rogeri de Mortuo Mari et aliorum in Turri London. A° 4$^{to}$ Ed. 3. | | |

Per se. Simul ligata.

| | | |
|---|---|---|
| Firma diverssarum terrarum, pratorum,[9] pasturarum in Dorston. | | Dorston |
| Rentale de Pray iuxta S$^{tum}$ Albanum. A° v° Hen. 8. | | Pree |

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[1] Ag. 45, f. 20.

[2] 'Penbrog,' Lat. 323.

[3] 'Wigorn. ut supponitur' after 'Upton,' Lat. 323. This is in the margin in Ag. 45.

[4] 'villa de' not in Lat. 323 or Ag. 45.

[5] Lat. 323 and Ag. 45, 'Rentale de Stivecley' immediately after 'Ivone,' not underneath.

[6] 'Sursu reddicio,' Lat. 323.

[7] 'in comitatu Oxon' Whitechurch,' Lat. 323 and Ag. 45 (which reads 'Whitchurch').

[8] Lat. 323, f. 11.

[9] 'et' after 'pratorum,' Ag. 45.

A[1] rentall of the Lord Audleys landes in Wales. Wales

Possessiones pertinen' Abbatie de Durford in comitatu Sussex.

Rentale [2] de Pree iuxta S$^{\text{tum}}$ Albanum. A° 5 H. 8.[2] Hertf.

Wykes [3] Beauworthy [4] } Terre Deuon
Hallywell Westning } Johannis
Cary Highhampton } Cary.

Item rentale de Clopton. Clopton

Rentale Johannis Rislay, militis, manerii de Totenham. A° 17 Hen. 7. Totenham

Duo rentales de Knapwell pertinen' Abbatie de Ramesey. Knapwell

Montfort The value of S$^{\text{r}}$ Simon Mountfords lands.

Peyan Rentale Walteri Peyan, Munden. Buk. Munden

Rentale et [5] extenta manerii de Wendon, 16 [6] Hen. 6. Wendon

M$^{\text{r}}$ John Cheynyes landes in Romney Marsh and the Iland of Oxney, Walland. Annis 1°, 2° & 3° Hen. 7. Oxney Romney Walland

E. Northumbr. My Lord of Northumberlands woods.[7]

The rentall of S$^{\text{t}}$ Peters in the Countre. S$^{\text{t}}$ Peters

Rentale de Bustleham Mountagu, a° 26 [8] H. 8. Bustleham

Wentworth The value of the Lord Wentworthes landes.[9]

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[1] Lat. 322, f. 95*v*. This item and the one following are given together in the margin of Lat. 323, but in the same hand, uniform with the 'text,' and with an indication as to their position, as above. In Ag. 45, however, they follow 'Item rentale de Clopton' (*sup.*, l. 10).

[2] This item not in Lat. 323 or Ag. 45. Its inclusion by Squyer seems to be an error (cf. 'Rentale de Pray,' etc., above); he was perhaps distracted by the marginal (see preceding note).

[3] Ag. 45, f. 20*v*.

[4] 'Beworthy,' Lat. 323; 'Beworthi,' Ag. 45.

[5] 'et' not in Lat. 323 or Ag. 45.

[6] 'A° 16,' Ag. 45.

[7] This item not in Lat. 323 or Ag. 45. *V. inf.*, n. 9.

[8] '20° 6 [*sic*] H. 8,' Lat. 323.

[9] Underneath this item Lat. 323 and Ag. 45 have 'My Lord of Northumberlands woodes. *V. sup.*, n. 7.

The rentall and terrer of the mannor of Asshefeld made a° 4 Hen. 8. Ashfeld

Extenta[1] omnium terrarum etc. pertinencium Priori Ecclesie Christi, Cantuar. A° domini 1511. Christchurch

Rentale de Kirton Regis in Holand pro scutagio soluendo tempore Regis Edw. tertii. Linc. Kirton

Rentale de Levesham et Greenwich. Kanc. Leusham Grenwich

Rentale de Cottingham annis 8 & 9° Hen. 8 de terris Comitisse[2] Sarum. Ebor. Cottingham C^a^ Sarum

Quatuor rentales pro terris pertinen' Priori de Wallingford, a°[3] 15° H. 7. Et[4] annis 9, 8[5] Hen. 8. Berk.

Rentale de Merdmendham[6] et Ellesborowe. Mendham[7] Ellesborow

Felthorp.[8] Redditus pertinens[9] Priori de Monte Gaudii. Felthorp

Duo rentales de Aylington, a°[3] 20 & 26 H. 6. Alington

Darell — The[10] value of the landes of S^r^ Edward Darell in the custodie of S^r^ William Essex.

Rentale de Swaton, parcella terrarum Abbatis de Barlinges, 14 Ed. 4. Linc. Swaton A^s^ Barlings

Rentale de Cogeshale. A° 23 Hen. 7. Essex

Recuperatio[11] pro manerio de Magna Munden pro Philippo Fray verssus Simon Reead, termino Hillarii, a° 38 Hen. 6, rot. 41. Hertf. Munden Fray Reed

Two peeces of evidence concerning the water of Tyne & the devision of Northumberland from the Bishoprick of Duresme. Northumbr. Tyne

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[1] Ag. 45, f. 21.

[2] 'Countisse,' Lat. 323.

[3] 'a°' not in Lat. 323 or Ag. 45.

[4] 'Et' not in Lat. 323 or Ag. 45.

[5] '8, 9,' Lat. 323, Ag. 45.

[6] 'Merdinendham,' Lat. 323.

[7] *Sic.*

[8] 'Felthorp' not in Lat. 323.

[9] 'de,' struck through, before 'pertinens,' Lat. 323.

[10] Lat. 323, f. 11*v*.

[11] Lat. 322, f. 96.

Indentures for delivery of plate, jewells, crownes, etc. Plate

Persimul[1] ligata.

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In[2] a cupbord in the wall eastward at the furmost end marked w$^{th}$ chalk thus X, are conteyned :

In a wooden round box : the graunte made by Henrie, Earle of Northumberland to King Hen. the viij$^{th}$, of the Honor of Petworth, and divers other landes in Wales, dated 26 Hen. 8. Sussex Wales Petworth

Eight Rolles of the Pipe Accomptes of the times of Hen. 2, Ric. i$^{t}$, John, Hen. 3 and Edw. i$^{t}$. In one bundle, bound together.

Two Pelles of Exitus supposed about Hen. 2 time, dilacerati et[3] simul ligati.

A bundle of accompts of Normandie conteyning 9 } H. 7,[4] Ri. i, K. Jo., Hen. 3 Normandy
Another conteyning sixe of the same times }

C$^{o}$. Waren Carta Regis Edwardi secundi facta Johanni, Comiti Warenn' de Castro et Foresta de Alto Pecco sibi et heredibus.[5] A° quarto Ed. 2.[6] Derb. Peke

R$^{x}$ Roman Potestas data Ricardo, Regi Romanorum per dominum Edwardum ad ordinandum de terris suis et libertatis quando ivit ultra mare in terram sanctam.

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[1] 'Simul,' Lat. 323. Ag. 45 has 'Per se' after the 'etc.' above.

[2] Ag. 45, f. 21*v*. Agarde has (Palgrave, *loc. cit.*),' In one other cupboard in the sayd wall marked thus X are the like,' i.e. to the press marked 'Collected 1610,' *v. sup.*, p. 287 n. 3.

[3] 'et' not in Lat. 323 or Ag. 45.

[4] *Sic* in Lat. 322. 'H. 2,' Lat. 323, Ag. 45.

[5] 'et heredibus suis' for 'sibi et heredibus,' Lat. 323, Ag. 45.

[6] 'E. 2' not in Lat. 323 or Ag. 45.

Jo. de Eltham Carta Edwardi secundi facta Johanni de Eltham, filio suo, de Honore de Tutburye et aliis terris nuper Thome, Comitis Lancastrie, attincti. Tutbery

Vt Be-champ An [1] indenture of exchange of landes in the west, betwixt King Hen. the 8, a° 29 H. 8,[2] and Sr Edward Seymour, knight, Viscont Beauchamp.

In [3] the furmost pres on the right hand over againste the midle rank are conteyned as follow,[4] thus marked ✱:

Spencer Coffers & boxes of old evidence touching the landes sometimes [5] the Spencers, father [6] & sonne.[6] Spencers lands

Also the old evidence of the Priory of Lewes for their landes in [7] Norff. & Suff.[7] Sussex Lewes

Old evidence of the Priorie of Anglesey in the countie of Cant., in a box by themselues. Cant. Anglesey

Old [8] evidence of St Trinities of London' in an old cheste. And [9] were after put into money bags and stand in the said cheste.[9]

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[1] Ag. 45, f. 22.

[2] 'a° 29 H. 8' not in Lat. 323, but in the margin in the same hand is '19 [*sic*] H. 8.' Margin of Ag. 45: '29 H. 8.'

[3] Lat. 323, f. 12; Ag. 45, f. 22*v*. Agarde has (Palgrave, *loc. cit.*), 'Then returning backe by the wall is a presse marked thus ✱, wherein are conteined,' followed by the four items given above, with almost verbatim agreement (see the following notes).

[4] 'followeth,' Lat. 323, Ag. 45.

[5] 'once,' Lat. 323, Ag. 45; 'one,' Agarde.

[6] 'the father and the sonne,' Lat. 323 and Ag. 45, which is also Agarde's wording.

[7] 'as well in Norff., Suff., etc.', Lat. 323 and Ag. 45, which is also Agarde's wording; 'in comitatu Sussex' after 'Lewes,' Lat, 323, Ag. 45.

[8] Lat. 322, f. 96*v*.

[9] 'And . . . cheste' not in Lat. 323 and not in Agarde. Ag. 45 has 'These are put,' etc.,

In [1] the next pres to the same are conteyned as followeth at this marke ⊕ :

Basset

Divers [2] bagges of evidence of sondrie mens landes, but especiallie of Bassets of the Weste Contrey.[2]

Item in a box there are conteyned :

Spencer
E. Linc.
E. Lanc.

Confirmatio[3] Regis Edw. 2$^{di}$ facta Hugoni Le Despenser de feodis militum, advocacionibus [4] ecclesiarum, prebendum etc. pertinent' ad maneria de Troubridge, Winterborn, Ambresbury, Canford, Estbrigg et Cherleton, que Alesia de Lacy, filia et heres Henrici de Lascy,[5] Comitis Lincoln', nuper uxor Thome, Comitis Lancastr', dicto Hugoni dedit. A° 7 Ed. 2.

Trobridge
Winterbourn
Ambresbury
Canford
Estbrigg
Charlton

A lease graunted by King [6] anno primo to Thomas Byndett of the subsidies of cloth to be levied in the counties of Warr., Leic., Salop', Staff.

Dorward

Terre que fuer [7] Johannis Doreward tradite diuersis feoffatis ad usum ultime voluntatis sue et postea ad usum heredorum suorum.[8] Essex

Terre iacente, scilicet, manerium de Cogeshale, duo molendina vocata Poyntell Milne et Esterford Milne, ac terre in Cogeshall, Markeshall, Cotime, Fering, Essex Fering

Cogshale
Markshall
Poyntell
Esterford
Cotime

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[1] Agarde (Palgrave, p. 327) has, ' In the next presse marcked thus ⊕ are conteined Divers baggs of evidences of sondry mens lands, but specially of Bassets of the West Countrey, and in a box therein evidences and many others writinges touchinge th' Earle of Northumberland, S$^{r}$ Edward Seymor, and divers others, w$^{ch}$ are entred into a booke N° 15 and contayne ii leaves. [Margin: 'This book never seen by *Peter Leneve*.']

[2] This entry is identical with that of Agarde (see previous note).

[3] Ag. 45, f. 23.

[4] ' advocacionibus,' not in Lat. 323 or Ag. 45.

[5] *Sic* in MSS.

[6] Blank in MSS. for name.

[7] *Sic.* ' fuere,' Lat. 323, Ag. 45.

[8] ' A° 11 Hen. 7 ' struck through after ' suorum,' Lat. 322. It occurs in the margin of Lat. 323, but refers to the next item.

Kelden Inworth Stisted Fordham — Blakwater Frith

Kelden, Blackwater, Inworth, Stisted et Fordham Frith.[1] A° 11 H. 7.

E. Northumbr. Seymore — Ponings Perching Preston Ashcomb Waldron Chinting Peningdon

Henrie, Earle of Northumberland selleth to S$^{r}$ Edward Seymour, knight, the mannors of Ponynges, Perching, Preston Ponings, Ashcomb, Waldron, Chinting et Peningdon, provisso that if the said Earle paie 1,533,[2] on Michelmas Daie xj$^{c}$li., that then etc.

Midd. — Hampton Court

Concesssio[3] Prioris S$^{ti}$ Johannis Jerusalem facta diuersis feoffatis ad usum domini Regis de manerio de Hampton Courte, 21 Hen. 8.

Neuton Packinton — Salop. — Glaseley Wadeley

Arthure Newton, esq$^{r}$., selleth to John Packington, gent., the mannors of Glaseley and Wadeley, 17 H. 8.

Northt. — Pokesley

A bargaine and sale of diuerse[4] made to Hen. 7 of diuers landes lyenge in Pokesley.[5]

Ughtred Henage — Eborum. — Kilnewik Tolthorp Fymore Hellesthorp

Relaxatio[6] Roberti Ughtred, militis, facta Thome Hennage, armigero, de iure suo in maneriis de Kilnewike, Tolthorp, Fymore et Hellesthorp. Anno 16 H. 8.

Midd. — S$^{t}$ James

A sale made by the Provost of Eton of the Hospitall of S$^{t}$ James to the[7] King Hen. 8. A° 23 Hen. 8.

Huchin — Midd. — Coppedhall

A sale made by William Huchin[8] to King Hen. 8 of landes called Coppedhall in Westm., a° 23 H. 8.

A$^{s}$ S$^{tl}$ Alban — Hertf. Buk. Midd. — Assholes Backworth Britwell

King[9] Hen. 8 conveieth to the Abbot of S$^{t}$ Albans for iij$^{m}$[10] markes the mannors of Assholes, Bacheworth, et Britwell, a° 7 H. 8. And[11] the Abbot regranteth the same to the King and the mannors of More and Estbury for performance of his will. More Estbury

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[1] 'Sutht.' for 'Frith,' Lat. 323, Ag. 45.

[2] *Sic* in MSS., with 'li' struck through in Lat. 322.

[3] Lat. 322, f. 12*v*.

[4] *Sic* in MSS.

[5] 'the towne of Pokesley,' Lat. 323 and Ag. 45 (which adds 'A° 17, H. 7').

[6] Ag. 45, f. 23*v*.

[7] 'the' not in Lat. 323 or Ag. 45.

[8] 'Hughen,' Lat. 323; 'Huchon,' Ag. 45.

[9] Lat. 322, f. 97. 'King' not in Ag. 45.

[10] 'iiij$^{m}$,' Ag. 45.

[11] 'And' not in Lat. 323 or Ag. 45.

D$^{e}$ Grey Feoffees in trust doe, for the performance of the will of Henrie, Lorde Grey, give to King[1] Hen. vij$^{th}$ all their right in the Castle of Codnore and the mannors of Henmore, Loste and Langley for the some of m$^{li}$, 21 July, a° 6 Hen. 7. Derb. Codnore Henmore Lost Langley

A$^{s}$. Waltham Rodes Dimissio Abbatis de Waltham facta Johanni Rodes[2] de manerio de Stansted pro[3] lxj annis, a°[4] 14 Hen. 8. Hertf. Stansted

Findern An indenture declaring the use of a recoverie of the mannors of Overhall and Netherhall and Gesingthorp to the use of S$^{r}$ William Finderne[5] and his heires, w$^{th}$ the advowson of the church there. 30 H. 8. Essex Overhall Netherhall

P$^{r}$ Christchurch Prior[6] de Christchurch, London, non debet reparare pontem vocat' Fandbrigg[7] in Braughing per iur' in Curia Marescallcie. A° 6 Hen. 6. Hertf. Braughling

Bohun An indenture leading the uses of John Bohuns lands, a° 4 H. 8. Essex Midd. London Hertf.

Arundell Hothum Austin Constable A discent of William Arundell, of whom are discended Hothum, Austin,[8] Constable and Eueringham. In French.

Eston Pro Rectoria de Eston alias Aston.[9] Hertf. Eston.

Recepte[10] revencionum Regine. A° 15 E. 2.[11]

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[1] 'King' not in Lat. 323 or Ag. 45.

[2] 'Rides,' Lat. 323.

[3] 'pro' (bis), Lat. 322.

[4] 'a°' not in Lat. 323 or Ag. 45.

[5] 'Fundern,' Lat. 323, Ag. 45.

[6] Ag. 45, f. 24.

[7] 'Fordbrigg,' Lat. 323, Ag. 45.

[8] 'Austye,' Lat. 323, Ag. 45.

[9] Squyer's hand breaks off here (Lat. 322, f. 97, line 19), at a point corresponding to the foot of a page (f. 12*v.*) in Lat. 323.

[10] Lat. 323, f. 13. The hand of Squyer's continuator begins here in Lat. 322 (f. 97, line 20); he reproduces, unnecessarily, before his first line the press mark which Lat. 323, following its usual practice, has at the head of each page.

[11] 'H. 8,' struck through, before 'E. 2,' Lat. 323.

A recovery of the manor of Bedwell against John Norbery, Esq$^{r}$., and other landes about Bushoppes Hatefeld. A° 5 E. 4.

Inventorium iocalium Regis.

Eborum Westmorl. Norff. Suff.

Two feoffamentes of John, Duke of Suff., of his landes in the countyes of Yorke, Westmorl., Norff., et Suff. A° 16 E. 4.

Articles of agreement betwixte the Abbot of Waltham, who selleth or exchangeth to the King H. 8 the manor of Coppedhall, and Thomas, on the Kinges behaulfe, who giveth to the Abbot other lands therefore.

Nota

A[1] bundle of lettres, etc. touching the mynes in England with instruccions and contractes. H. 8.

Item there are[2] a greate booke of writtes, warrauntes, & diuerse[3] giftes, paymentes, etc. of the Prince of Wales in Kinge Ed. the 3$^{des}$ tyme. Deliuered before to M$^{r}$ Richard Cannok[4] by warraunte and after that rendred againe & placed as before, 20$^{mo}$ Junii 1615.[5]

Item[6] a booke of declaracion made by S$^{r}$ John Cutt, knight, Under Threasuror of Theschquire, of the Kinges revenewe for one yeare, ended a° 12 H. 8.

Item a booke intitled Jornale de solucionibus factis in partibus Vasconie de tempore Johannis Henxworth, Contrarotulatoris domini Principis Wallie.

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[1] Ag. 45, f. 24*v*.

[2] 'are' not in Lat. 323 or Ag. 45.

[3] 'other' after 'diuerse,' Ag. 45.

[4] 'Connok,' Lat. 323. This delivery is uniform with the text, not a later addition. Cf. the marginal quoted *inf.*, p. 299 n. 1. Connok was Auditor of Henry, Prince of Wales, who died 1612.

[5] Margin of Ag. 45: 'Deliuered to S$^{r}$ James Fullerton for the Prince, 7° Oct. 1615. Restored againe and placed as before, 10 Oct. 1624.' This is uniform with the text, not a later addition. Cf. *inf.*, p. 299 n. 6.

[6] Lat. 322, f. 97*v*.

Princeps[1] Wallie, Edwardus filius E. 3, dictus Princeps Aquitanie, protestat se non relaxaturum fratri suo Johanni, Duci Lancastrie, maneria de Fakenham, Tykell,[2] Snetsham, etc. nisi patris sui imperio et auctoritate[3] coactus. This was[4] deliuered to Sʳ[5] James Fullerton for the Princes service 7° Oct. 1615.[6]

Laic.[9] 29 Junii A° 16 H. 8 John Langhm[7] et Ric. Langhm,[7] his father, by indenture surrendor and release all theire right and title in the manor of Keilby to Christopher Willars.[8]

26 Decem. A° 24 H. 8 Commissio Laurentii, Cardinalis Campegii et Episcopi Sarum pro pace conservanda.

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[1] This item (' Princeps Wallie . . . 1615 ') is lightly struck through in Lat. 323 and in the margin is : ' Deliuered to Mʳ Conok by waraunt of my Lord Treasuror 1611. Received againe and placed where it was, 20 Junii 1615 ' (cf. *sup.*, p. 298), heavily struck through. The item is not struck through in Lat. 322 or Ag. 45 ; the marginal is omitted in the former, but given in the latter.

[2] Ag. 45 adds ' et ' here.

[3] ' authoritate,' Lat. 323.

[4] *Sic*, i.e. the singular. Cf. this item and the preceding ones with those cited in n. 6 below.

[5] ' Sᵗ,' Lat. 323.

[6] Ag. 45 adds : ' Deliuered to Sʳ James Fullerton for the Prince's seruice, 7° Oct. 1615. Rec. againe 10 Oct. 1624.' This is uniform with the text, not a later addition. Cf. *sup.*, p. 298. In Ryl. Lat. MS. 306 (*Miscellanea*, partly in Squyer's hand), among notes of deliveries of records, is : ' vij° Oct. 1615. Delivered to Sʳ James Fullerton for the Princes service, viz. One great booke covered with redd leather conteyninge divers writtes and warrantes tempore Regis Edwardi tertii. One other broade booke bound in velam white guilded and clasped, conteyninge divers writtes and warrantes concerninge the Prince of Wales tempore Regis Edwardi tertii, haveinge this inscripcion in the heade of everye leafe, viz. Cornwall. One other lesser booke bound in redd leather written on the outside Lettres et garrantes du Prince de Gales, Duc de Cornwall et Conte de Chester. One other broade thin booke written on the outside Jornale de solucionibus factis in partibus Vasconie de tempore Johannis Henxtworth, Control' domini Principis Wallie. A boxe contayninge a protestacion made by Edward, the Blacke Prince, that he did disclayme to make anye release unto his brother John, Duke of Lancaster, of the Honour of Knaresbrough and other mannors, etc.' (f. 17). See also *inf.*, p. 338 n. 5.

[7] ' Langham,' Ag. 45.

[8] ' Villars,' Ag. 45.

Derbi A° 15 H. 7 Johannes Zouch, armiger, dat Regi Castrum de Cadnor[1] cum multis aliis terris.

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Hibernia.[2]

At the comming in to this Threasury are on the right hand iij presses in which are recordes herafter specified:

In the furmost from the dore northwardes at the bottome of the presse marked thus, HIBERNIA:

A bagge of Yrish matters as followeth,

Forma iuramenti per Hibernenses perstand' de fidelitate.

H. 7[3] ut supponitur An order for Yreland for the Earle of Kildare deputye appointed to observe, seigned by the King and Earle.

A bill seigned by the Kings hande for appoinge[4] Thomas, Earle of Surrey to be the Kinges Leiwtenaunt in Ireland, which Thomas was then Admirall of England.

Articles to be ministered to thearle of Desmond. And thother[5] he is to take for his allegyaunce.

Thothe of thearle of Kildare unto certeyn articles.

Instructions concerning matters of Yreland and thearle of Kildare.

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[1] 'Codnor,' Lat. 323, Ag. 45.

[2] Lat. 323, f. 13*v*; Ag. 45, f. 25. Agarde has, 'At the cominge up into the Threasaurie on the right hand iii presses, in which are conteined records hereafter specified. In the foremost from the dore marked thus *Hibernia*, a bagge of Irish matters, beginning in H. 4 time and mencioninge some matters of H. 8 time, entred into a booke fol. 17 conteyninge one leafe. [Margin: 'This book never seen by *Peter Leneve*'] ' (Palgrave, *loc. cit.*).

[3] 'A° 7' struck through before 'H. 7,' Ag. 45.

[4] *Sic*, for 'appointinge.'

[5] *Sic*. 'thothe,' Lat. 323, Ag. 45.

Necessarie[1] articles to be considered for the keeping of Yrland in peax.

ij[2].

Bundells of lettres of aduertyzment to the Kinge an[3] Counsaile of the State of Ireland.

An[4] indenture betwixte Maurice, Earle of Desmond and the citizens of Corke for the keepinge of the said Earles sonne for hostage.

Concordia facta inter Comites Desmond et Ormond.

Duo instrumenta continen' sacrum Comitis Desmond de fidelitate sua.

An[5] Acte of Parlyament for thattaindor of the said Earle under the greate seale.

A bundell conteyning certen accomptes of the Threasuror and Auditor of Ireland.

And[6] therein a subsidy graunted for[7] i^d^ for every bushell of salte that is brought into Ireland under the greate seale.

Boxes subscribed thus.

M^d^ that the xxviij^th^ daye of January the twelveth yeare of E. iij^th^[8] the Lord Monteioye delivered into the Receipte a supplicacion sealed with diuerse seales made by the Kinges subiectes and servantes of the Earldome of Ulster in Irland, which instrument is in the same[9] box.

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[1] According to Ag. 45 this and the six preceding items were 'Simul affilata.'

[2] *Sic* in Lat. 322 and 323, with a gap of three quarters of an inch above. Ag. 45 (f. 25*v*) has no gap and reads 'ij bundells.'

[3] 'and,' Lat. 323, Ag. 45.

[4] Lat. 322, f. 98.

[5] According to Ag. 45 this and the four preceding items were 'Simul affilata.'

[6] Lat. 323, f. 14.

[7] 'of,' Ag. 45.

[8] 'Edw. the 4^th^,' Ag. 45.

[9] Ag. 45, f. 26.

Sacrum[1] ciuium et inhabitancium de Cork, factum H. 7.

How necessary it is for the Earle of Kilder not to come to the King when he sent for him. By certificates from the Councell and nobilitie theere and his owne letter.

Sacrum' civium de Yonghill prestitum quod stabunt cum Rege contra Comitem Desmond.

Cirographa et carte Geraldi, Comitis Kildare pro dote uxoris sue Elizabethe.

A greate rolle[2] of pardons and grauntes made by H. V$^{th}$ to the inhabitauntes of Ireland.

Possessiones ad nuper Prioratum siue Hospitale S$^{ti}$ Johannis de Kenles in comitatu Midd. pertinen'.

In a box, ij deedes of H. 3 graunting the realmes of Yrland and Gascoigne, the Earldome of Chester, and other landes, to E. his eldest sonne.

Remembraunces of Irland.

How to bringe Irland into good subiection.

The Bushoppe of Derunt[3] lettre to the Pope under his seale practizing to raise rebellion against H. 8.

Mavult[4] collector denariorum pro lettera facta[5] in Hibernia pati supplicium carceris quam in Hibernia crucifigi, 1256.

Fidelitas homini[6] de in vidia.[7]

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[1] Ag. 45 reads 'Sacramentum.'

[2] 'rule,' Lat. 323.

[3] *Sic* in MSS.

[4] Ag. 45, f. 26*v*. Altered by another hand from 'Mavlt,' Lat. 322, which is the reading of Lat. 323.

[5] 'terra sancta' for 'lettera facta,' Lat. 323, Ag. 45.

[6] *Sic*. 'hominum,' Ag. 45.

[7] 'inidia,' Lat. 323; 'Midia,' Ag. 45.

An [1] order made by the Kinge what customes should be paide hym theere in Irland in his Custome House. A° 43 E. 3.

Inquissicio per juratores comitatus Wess' quo modo tentes [2] ibidem tenent terras suas que fuerunt de W.[3] Valenc.

Fines [4] siue cirographa pro terris Comitis Kildare. A° 16 E. 2.

In [5] the presse next to HIBERNIA toward the dore are conteyned as followeth, the presse being marked with chalk thus ₽ :

An [6] ancient greate booke of entries of treatice of peax betweene England and Fraunce, and England & Aragon & Spaigne etc. & much aboute Aquitaine, Gascoigne, etc.

A [7] box wherin are the Statutes of thooders [8] of S$^t$. George & S$^t$. Michaell.

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[1] Lat. 323, f. 14*v*.

[2] *Sic* in Lat. 322 and Lat. 323; 'tenentes,' Ag. 45. Another hand has inserted 'e' in Lat. 323, giving 'tenetes.'

[3] 'W. de,' Lat. 323, Ag. 45.

[4] '3 fines,' Lat. 323, Ag. 45. According to the latter this and the four preceding items were 'Simul ligata.'

[5] Lat. 322, f. 98*v*; Ag. 45, f. 27. Agarde has, 'In the next presse to that [sc. to 'Hibernia'] towards the dore marked thus ₽ with chalke, is contayned' followed by 15 items (Palgrave, *op. cit.*, pp. 327-329), all of which occur above, almost verbatim (see the following notes), save one, namely, 'And an Indenture between Q. Eliz. & the Dean & Canons of Windsor dated 30th Aug$^t$. a° regni primo, concerning the lands given for the maintenance of the 13 poor Knights' (Palgrave, *op. cit.*, p. 328), and this is a later insertion in the *Compendium* from which Palgrave printed (Ag. 44, f. 7); it is missing in other manuscripts of that work.

[6] This item occurs verbatim in Agarde (Palgrave, p. 327), save for the omission of the first 'etc.'

[7] 'A box wherein are the Statutes of th' Orders of S$^t$ George & Michaell and therein a booke intituled Advertisement p$^r$ un Roy ou Prince,' Agarde (Palgrave, *loc. cit.*).

[8] 'thorders,' Lat. 323, Ag. 45.

And therin[1] intitled Advertizment pour Roy[2] ou Prince. Item[3] What a Kinge and a Tirant.[4]

A[5] box of indentures of diuerse Lord Thereasaror[6] for deliuerye of jewells and receaving of leagues.

A[7] round box conteyning treatyes of peax and for the mariage of Prince Arthyr etc. and Kinge H. 8 w$^{\text{th}}$ Katerine the daughter of Farinand[8] and Elizabeth, Kinges of Castile.

A[9] long box touching the dyuorces of H. 8.

Rotulus expenssarum Henrici filii Regis H. 4 dum dimorabatur in Wallia.

Expensse familie Marie, filie Regis H. 8.

Rotulus terrarum, feodorum, vadiorum excess' per Regem Henricum viij$^{\text{um}}$ ab a$^{\circ}$ primo usque annum vij$^{\text{mum}}$, per que minus accedit ad cofras suas.

A[10] box subscribed thus, Iuramenta prestita sub manibus propris quod Romanus Pontifex non habet aliquem maiorem jurisdiccionem a Deo sibi comissam in hoc regno Anglie quam quivis alius Episcopus, etc. per clerum Anglie et Wallie.

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[1] 'a booke' after 'therin,' Lat. 323. Ag. 45 has 'a box.'

[2] 'un Roy,' Lat. 323 and Ag. 45, as Agarde.

[3] 'Item, what a kinge what a tirant,' Agarde (Palgrave, p. 328).

[4] Cf. *inf.*, p. 323.

[5] This item occurs verbatim in Agarde (*ib.*).

[6] 'Thereasarors,' Lat. 323; 'T$\overline{\text{rers}}$,' Ag. 45; 'Threasaurers,' Agarde.

[7] This item is struck through in Ag. 45, and in the margin, in the same hand, is: 'alibi inter fedora reposita.' Cf. *sup.*, p. 267.

[8] 'Fardinand,' Lat. 323, Ag. 45.

[9] This item occurs verbatim in Agarde (Palgrave, *loc. cit.*) save for his reading 'divorce.'

[10] This item occurs verbatim in Agarde (*ib.*) save for his readings 'superscribed' and 'aliquam' and omission of 'comissam.'

A[1] box wherein is a deed of the Lordes Spirituall and Temporall under theire handes and seales signifyinge to the Pope Clent[2] that if he will not condiscend to the Kinges dyvort[3] H. 8, that then they themselves would tak order, etc.

Instrumentum[4] pubicum[5] factum per clerum Provincie Cantuariensis de concessione 10,000[6] H. 8. In a box rounde of wood and in a deed that lappeth the same, bound togeather, 1630.[7] 18[4]

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A[8] commission made a° 1 Regine Elizabethe to take thother[9] of all the Judges, etc. to the supremacye according to the statute, putt into a little blacke box & layd in the box of Thoth of the Clergy.

Thestablishment[10] of the mimte[11] 6 Decem. a° Regine Elizabethe iij$^{tio}$ under the greate seale of England,[12] lapped with another of Caleys of ancient tyme.

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[1] Ag, 45, f. 27*v*. This item occurs verbatim in Agarde (Palgrave, *loc. cit.*), save that he has ' Kinge H. 8 divorce ' for ' Kinges dyvort H. 8.'

[2] *Sic.* ' Clement,' Lat. 323, Ag. 45.

[3] *Sic.* ' dyvorce,' Lat. 323 ; ' divorse,' Ag. 45.

[4] Lat. 323, f. 15. Margin of Lat. 322 : ' 18 ; ' this is the original numbering of Lat. 323, f. 15, placed rather low and falling by chance at the side of this item.

[5] ' publicum,' Lat. 323, Ag. 45.

[6] *Sic.* ' 100,000$^{li}$ ', Lat. 323, Ag. 45.

[7] *Sic*, an error of copying for ' 1530,' which is the reading of Lat. 323 and Ag. 45. Underneath, Ag. 45 has an item not in Lat. 322 or Lat. 323 : 'A declaracion in French of 9 sortes of tapistre to be sold, that be of exquisite worke. This was transcribed into pure French by commaundment of our soueraigne lord K. Charles and delivered to his owne royall hand by me, J. B.' The whole is uniform with the text. ' J. B. ' is presumably John Bradshaw (*v. sup.*, p. 232), but this is not in his hand.

[8] This item occurs verbatim in Agarde (Palgrave, *loc. cit.*). Lat. 322 unnecessarily reproduces in the middle of this folio the press mark from the top of Lat. 323, f. 15.

[9] *Sic.* ' thothe,' Lat. 323 ; ' thoth,' Ag. 45.

[10] This item occurs verbatim in Agarde (*loc. cit.*), save that he reads ' the stablishinge ' ; he omits ' of England,' as does Lat. 323.

[11] ' Mint,' Ag. 45.

[12] ' of England ' not in Lat. 323, Ag. 45, or Agarde.

Instrumentum de confirmacione subsidii a clero annis 2 et 3 Philippi et Marie Regum concess' de qualibet libra vj$^{s}$, sub sigillo Cardinalis Poli, 1555.

12 Dec. 1578 a° Regine Elizabethe,[1] a patente under thgreate seale made to the Lady Lenoux of vj$^{c}$ li. a yeare for her and her daughters Arbellas mayntenaunce out of thearle of Lenouxe landes, in a round blacke box.[2]

In [3] the bottome of the said presse:

xxj long boxes, wherin are the lettres patentes of H. 8 condescendinge to conferre the landes of the dissolued monasteries donne by Cardinall Wolesey unto the said Cardinall.

Above: [4]

A box of Cardinall Wolseys pencyons paied [5] from forrein Princes.

Surrendors of Abbas [6] and Priorys donne by Cardinall Wolsey, viz.

Horkstey [7]
Daventry
Frediswida
Stanesgate
Litlemore
Sandwell
Poughley
Blacamore
Wykes
Dodnesh
Tiptree
Ravenston
Colchet
Leosnes
Halingford

Bulla, etc.

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[1] 21 Elizabeth.

[2] Following this item Lat. 323, but not Lat. 322 or Ag. 45, has a blank of four lines.

[3] Ag. 45, f. 28. This item occurs verbatim in Agarde (Palgrave, *op. cit.*, pp. 328-329), save that he had 'this' for 'the said' and omits 'are.'

[4] Lat. 322, f. 99.

[5] 'paide him,' Lat. 323.

[6] 'Abbays,' Lat. 323.

[7] 'Horksley,' Lat. 323.

Bulla [1] Leonis Pape super prorogacione officii legationis et amplificacione facultatum facta Cardinali Wolsey.

A [2] booke of statutes concerninge Cardinall College in Oxford.

Licencia Regis H. viij$^{ui}$ data Cardinali Wolsey de fundacione dicti Collegii.

Confirmacio Regis H. viij$^{ui}$ de diuersis cartis factis dicto Cardinali pro suppressione diuersarum domorum religiosis [3] quam de creacione Collegii etc.

Approbacio Regis H. 8 de suppressione fienda quorumdam monasterorum,[4] Regis signata.

Fundacio [5] Collegii domini Regis Oxon', manu eius subscripta.

Examinacio [6] sive confessio dicti Cardinalis de diuersis malefactis suis contra coronam practitatis, unde prius pardonabatur, et postea continuatis, unde condempnatus extitit. In a square box.

Bulle Clementis Pape de exemplificacione Collegii Cardinalis Oxon.

Relaxacio facta Collegio [7] Cardinalis Oxon' pro Tiptree per Anthonium Darcye.

Lettera attornata pro Wallinford et aliis terris collatis per dictum Cardinalem dicto Collegio suo.

Instrumentum appropriacionis Rectorie de Rudby in comitatu Eborum dat. per dictum Cardinalem dicto Collegio suo.

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[1] Lat. 323, f. 15*v*. The copyist in Lat. 322 has unnecessarily copied into his f. 99 the press-mark which, following its usual practice, Lat. 323 has at the top of this page (f. 15*v*.).

[2] This item occurs verbatim in Agarde (Palgrave, *op. cit.*, p. 329).

[3] *Sic.*

[4] 'monasteriorum,' Ag. 45.

[5] Ag. 45, f. 28*v*.

[6] This item occurs verbatim in Agarde (*ib.*).

[7] Altered from 'Collegii,' Lat. 323.

Thappropriacion of Blenbery, in a round box.[1]

Diuersi[2] libri predicatorum et aliorum et eorum raciones contra Papam.

In an ould litle coffer covered w^th^ lether, broken, are conteyned a controversie betwixt the Bushoppe of Wincester and the monkes of S^t^ Swythens aboute the-leccion of theire Prior. H. 3 or E. 1.

Item H. 3 Rex non appobat[3] provisiones factas de Episcopatu Menevensi et deconatu[4] Eborum absque licencia sua.

Item instrumentum[5] protestacione E. 2 quam fecit quando Reignaldus[6] de Asserio ad Episcopatum Winton'. Et de renunciacione dicti Reignaldi[7] de temporalibus dicti Episcopatus in manum Regis etc.[8]

Thexecucion[9] of the monkes of Woborne concerning sedicious wordes spoken by thabbot and others aboute the tyme of the disolucion.

Exemplificacio trium bullarum Innocencii Pape tangentium querelam factam per clerum Anglie de gravaminibus, oppressionibus etc. Anglis illatis per Romanam Curiam per eius probaciones,[10] provisiones et collationes spiritualium et.[11] In a role.

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[1] Blank of two lines in MSS. after this item.

[2] This is the last item given by Agarde, who has (Palgrave, *op. cit.*, p. 329) 'Diversi libri predicatorum et aliorum et eorum raciones contra Papam, with divers others by me collected into a booke N° 19 contayninge [*blank*] leaves. [Margin: 'This book never seen by *Peter Leneve.*'] '

[3] 'aprobat,' Ag. 45.

[4] 'decanatu,' Lat. 323, Ag. 45.

[5] 'de' after 'instrumentum,' Ag. 45.

[6] 'Rigaudus,' Lat. 323, Ag. 45.

[7] 'Rigaudi,' Lat. 323, Ag. 45.

[8] In the margin, down the side of this item and the three preceding items, Lat. 323 and Ag. 45 have 'Simul.' The item appears to be imperfect.

[9] Lat. 323, f. 16; Ag. 45, f. 29, where the reading is 'Thexamination.'

[10] 'provaciones,' Lat. 323; 'provocaciones,' Ag. 45.

[11] *Sic* in Lat. 322 and Lat. 323; 'etc,' Ag. 45.

Item in this presse lye loose sundry other deedes of landes, somme bought by the said Cardinall Wolsey and of the Abbayes by him dissolved etc. Que nunc prescribitur[1] longum est. Set postea sequitur in fol. 23.[2]

A booke of the fundacion and statutes of Magdalen College in Oxeford, founded by William Waynflet, Bushopp of Wincester, tempore H. 6.

Copia[3] diverssarum papalium[4] per quas concesserunt provisiones ecclesiarum pertinentium ad Priorem Lewen' Italis[5] alienigines.[6]

21 Marc. 1624.[7] 16 H. 8 A commission to Cardinall Wolsey for practizinge a subsedie and money to be graunted to the King towardes his warres.

Dominus Rex non concedit eleccioni Episcopi Elienss' contra ius corone sue H. 3.

A[8] booke intitled COMPENDIUM COPERTORUM,[9] which was a visitacon made by ij doctors wherin is declaracon made of the sodomitrye and visious liffe of all the religiouse houses beyond Trente, the Bushoprikes of Coven' and Licheff' and Norwich with theire reliques.

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[1] *Sic.* 'prescribere,' Lat. 323.

[2] This reference is incorrect for Lat. 322 and Lat. 323. Ag. 45 has a blank for the folio number. Cf. *inf.*, pp. 313 *sqq.*, and *sup.*, 230, 232, 237.

[3] Lat. 322, f. 99*v*.

[4] 'papalium' written over an erasure, Lat. 322. Lat. 323 and Ag. 45 have 'bullarum papalium.'

[5] 'diuersis Italis,' Lat. 323, Ag. 45.

[6] 'alienigenis,' Lat. 323, Ag. 45.

[7] *Sic.*, an error of copying, '1524,' Lat. 323, Ag. 45.

[8] This item occurs as above in Agarde (Palgrave, *op. cit.*, p. 327), save that he has 'Compertorum' (as Lat. 323), 'is' (for 'was'), and omits 'sodomitrye and.'

[9] 'Compertorum,' Lat. 323 and Agarde ; 'Comptorum,' Ag. 45.

Pelles.[1]

In [2] the presse nexte to the dore at thentring in are the Counterpelles of the King [3] Court of Receipt for the Kinges tymes hereunder expressed :

E. 1[4].
E. 2.
E. 3.[5]
R. 2.

In [6] the next presse beyond that, marked thus, Pelles 2 :
H. 4.
H. 5.
H. 6.

In [7] y$^{e}$ third next beyond that, marked Pelles 3 :
E. 4, H. 7.
H. 8.
Phi. et Mar.
Elizabeth.

In [8] the iiij$^{th}$ presse beyond that, Sundrie boxes of ould evidence of landes purchased and bought by sundry Princes aforetyme, marked thus : B.

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[1] Ag. 45, f. 29*v*.

[2] Agarde begins his account of the Second Treasury with the Pells. He has : 'On the left hand at the cominge in, the next presse marked w$^{th}$ chalke,' followed by the three presses as above (Palgrave, *op. cit.* 322).

[3] 'Kinges,' Lat. 323, Ag. 45.

[4] Lat. 323, f. 16*v*., which is headed 'Pelles 1.' Agarde has : 'Pelles 1 in one presse,' etc. (Palgrave, p. 323).

[5] 'E. 4' struck through underneath 'E. 3,' Lat. 323.

[6] Agarde has : 'In the seacound presse marked Pelles 2,' etc. (Palgrave, *loc. cit.*).

[7] Agarde has, 'In the thirde presse beyond that marked with chalke Pelles : 3,' etc., but omits 'H. 8' (*Ib.*).

[8] Agarde has : 'In the 4th press beyond that marked with chalke B. Sondry boxes of landes purchased and bought by sondry Princes' (*Ib.*).

In [1] the vth and furmost on that side are bookes of musters in manye shires in England, marked thus : (♈), especially of H. 8tes.[2] Postea reuisa et abbreuiata per Art. Agarde. verte folium[3] *

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Lyinge [4] on the floore at thende :
Sundry ould stampes of coyngnes [5] of E. 3 time moste.[6]

---

In [7] the vth presse on the same side, marked thus : (♈) [8] are conteyned as followeth :

In the highest diuision are :
Res nullius valoris.

---

In [9] the midle deuision are :
Musters in[10] diuerse shires throughout England and Wales.
Five bookes of Henr. viijtes wardes.

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[1] Agarde has : 'In the 5th presse marked with chalke (♈), Bookes of mustars of sundry shires of England, especially of H. 8 time' (*Ib.*).

[2] *Sic* in MSS. Supply 'time,' as Agarde.

[3] *Sic* in Lat. 322 and Lat. 323. Ag. 45 has 'ver,' struck through. A reference to the supplementary list of documents (on which *v. sup.*, p. 232) for this press given after the conclusion of the calendar, i.e. four lines below (*v. inf.*, n. 8). The reference *verte folium* is incorrect for all three MSS. In Latin 322 the documents referred to are on the same page (f. 99*v*.) and in Latin 323 and Ag. 45 on a facing page (ff. 17 and 30 respectively).

[4] Agarde has : 'Lienge in ye floore at th' end of this rancke. Sondry old stampes of Coynes, especially of E. 3 time, as the Rosenoble and Spurriall,' etc. (Palgrave, *loc. cit.*).

[5] 'coygnes,' Lat. 323 ; 'coignes,' Ag. 45.

[6] The body of the calendar ends here, the remainder of Latin 322 being composed of supplementary materials for presses (♈) and ☧ (*v. sup.*, pp.237, 232).

[7] Lat. 323, f. 17 ; Ag. 45, f. 30.

[8] *Sic* in Lat. 322 and 323, with two dots between the shanks. (♈), Ag. 45. This is the same as press (♈) from which reference is made (*v. sup.*, n. 3). Each is the fifth press on the same side, and each contains musters.

[9] Lat. 322, f. 100.

[10] 'of,' Ag. 45.

In the lowest division on the left hand are :

Three bookes concerning wages payd to H. 8tes Houshould.

One booke contayning H. 8tes officers in the Court.

Five [1] bookes concerning the warderope.[2]

Tow [3] bundels of bookes concerning H. 8tes jewells and his warrant for the deliuery therof. H. 8

Tow [3] bookes of sale of the Kinges wood in diuerse counties in England. H. 8

Tow [3] bookes concerning costes bestowed uppon the Kinges shippes. H. 8

Tow [3] bookes of all the Kinges ordenance att Caleys.

One [4] the right hand are :

Costes and expences donne at Codington.

Costes and expenses donne at Albendon.[5]

Costes and expenses donne at Ottlandis.

Costes and expenses,[6] reparacons donne at Churchsey Abbey.

Costes and [7] for reparacons donne at the Tower.

The [8] charge of building the banquitinge house at Greenewich.

A booke of costes donne to the Kinges mannor of Westm.

Diuers Tellors bookes.

Diuerse bookes of the buildinge of Hampton Courte.

---

[1] 'Fives,' Ag. 45.

[2] 'warderobe,' Lat. 323 ; 'wardrobe,' Ag. 45.

[3] *Sic.* 'Twoe,' Lat. 323, Ag. 45

[4] Ag. 45, f. 30*v*, 'On'.

[5] 'Abendon,' Lat. 323, Ag. 45.

[6] 'expenses' struck through lightly in Lat. 323. It is not in Ag. 45.

[7] 'and' struck through in Lat. 323. It is not in Ag. 45.

[8] Lat. 323, f. 17*v*.

☧[1]

Primus Nota. 1313 Quittacio[2] facta domino Regi per fratrem Albertum de Nigro Castro, Magnum Preceptorem Hospitii Sancti Johannis Jerusalem, et fratres Philippum de Gragnana et Leonardum de Tibertis, Priores urbis Veneciarum, de omnibus terris[3] quondam magistri et fratrum Milicie Templi per ministros dicti Regis confiscatis. Nonas Dec. A° 7° E. 2

A booke concerning an order taken in the spirituallity for extreame exaccions & fees in theire Courtes.

The answer of John Bale, preiste, unto certeyn articles gathered uppon his preachin.

Places of Scripture applied for faith and good workes and out of the doctors.

Raciones quibus defenditur clericos exemptos a jurisdictione seculari.

Sollicitudo Episcopi debet releuare per Archiedeacon '.

Common places out of the Scripture wheruppon to preach.

A sermon uppon theis wordes, *Adhortor vos, ne in vacuum graciam Dei recipiatis.*

An exposition of[4] this peticion, *Sanctificetur nomen tuum.*

Against simmony, etc.

Of graunt[5] by the noble Princes of this Realme for good intent yoven to spirituall men now abused.

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[1] For this press, to which the following is supplementary material, *v. sup.*, pp. 303-9, and see p. 285.

[2] Ag. 45, f. 31.

[3] ' bonis,' Lat. 323, Ag. 45.

[4] ' of ' written over ' uppon ' (struck through), Lat. 323.

[5] ' grauntes,' Lat. 323, Ag. 45.

Certeyn articles sente in the Bushoppe of Bathes lettres for thasbollishing[1] the Pope[2] supremacy and allowing the Kinges. And allso to putt out of all service book[3] this word ***Papa***.

The saing of M$^{r}$ Hiberdin in the pulpeyth within the towne of Bristole.

A[4] discourse of wordly and spirituall living.

The[5] submission of the clergie to[6] Kinges Highnes to make no iniunctions etc. without the Kinges licence.

Informacons for preaching errors at Bistowe[7] in Latyners[8] tyme.

A recouery betwixt the Prouuest of Ypswich College for all the landes belonging for[9] the same Cardinall Wolsey[9].

Redditus resolute
Feoda
Ponteos[10] et
Sinodalia
} solut[11] anuatim de Ecclesia Cathedrali Sancti Pauli, London.

Concerning the dissolucion of Furneys Abbay etc.

A minute of draughte[12] of a comission for the suppression of the first Abbays suppressed under the valure of CC$^{li}$ a yeare.

A discourse against Cardinall Poole.

A miracle of S$^{t}$ Augustine of Canterbury.

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[1] 'thabolishinge,' Lat. 323; 'thabolishing,' Ag. 45.

[2] 'Popes,' Lat. 323, Ag. 45.

[3] 'bookes,' Lat. 323, Ag. 45.

[4] Lat. 322, f. 100*v*.

[5] Lat. 323, f. 18; Ag. 45, f. 31*v*.

[6] 'the' after 'to,' Ag. 45.

[7] 'Bristowe,' Ag. 45.

[8] 'Latymers,' Ag. 45.

[9] 'to the same and Cardinall Wolsey,' Lat. 323, Ag. 45.

[10] Apparently 'Penceos,' Lat. 323. For 'Ponteos et Sinodalia,' Ag. 45 has 'Pencones [*sic*] et Porciones. Porciones [*sic*] et Sinodalia.'

[11] *Sic* in MSS.

[12] *Sic* in Lat. 322, altered from 'daughter.' 'a draughte,' Lat. 323, Ag. 45.

Proofes for the Pops[1] supremacie.

Lettere Magni Magistri Ordinis Sancti Johannis Jerusalem pro permunitacione[2] Prioratus siue Preceptorie de Stanford[3] cum Cardinale Iborum.

Personage[4] to attend the Kinge & Queene.

A booke touching the houses altered and disolved.

All theise are bound togeather with packthridd sheetwise.

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Scilus[5] Wiltes

Valor[6] monasterii de Kingswood in comitatu Wiltess.

Seriaunt Audle, Lord Chancellor of England, to the Lord Crumwell, declaring his poverty.

Buk

The mannor[7] Stepulcledon in the county of Buck, parcell of the possessions of the late monasterie of Osney, a particular therof.

The yearly revenewe of certeyn monasteries in sundry counties.

Eborum

A[8] note of land in Yorkshire, Houldrenes etc.

Eborum

The vallew of thabbi of Fountaynes, and of landes the[9] Duk of Suff. And somme landes belonging to the Bussopryk of Norwich.

Surr.

The yearly valew of William Warham his landes in Kroyden.

A court kept at Kilnersden, 27 H. 8.

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[1] 'Popes,' Lat. 323, Ag. 45.

[2] 'permutacione,' Lat. 323; 'mutacione,' Ag. 45.

[3] 'Stampford,' Lat. 323, Ag. 45.

[4] 'Personages,' Lat. 323, Ag. 45.

[5] *Sic* in Lat. 322, Lat. 323. Clearly an error of copying in both cases for the abbreviated form of 'Secundus.' 'Secundus,' Ag. 45.

[6] Ag. 45, f. 32.

[7] 'of' after 'mannor,' Lat. 323, Ag. 45.

[8] Lat. 323, f. 18*v*.

[9] 'late the,' Lat. 323, Ag. 45.

Sussex A valew of certaine landes letten to ferme lying Sussex.[1]

An inventory, I think, of Crumwells apparrell.

Indyan mounkeys,[2] marmozetes mites,[3] bought [4] withe other stuff by a merchant.

What the commodities of Clarendon Parke are to the Keeper theire.

The [5] charge dayly of officers in a garison.

L. Northumberlandes revenewes 3,866 [6] per annum in comitatu Northumb., Comberl., Eborum, 29 H. 8.

A particler of the mannor of Comley belonging to the Abbay of Quarera, Insula [7] Vecta.

The particular of the survey of the citie [8] of the monastry of Hexam.

Simul ligata.

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Tercius Minutes [9] of lettres from the King to the Justices of Peax against the Pope and sedicious wordes, etc.

The minute[10] a lettre touching the envie and maliciouse intente of the Pope towardes the Kinges Hyghnes and his Realme.

Iniunctions tempore Regis H. 8.

The fragmentes[11] of a book intitled, Thinstitution of a Christian.

Orders sett downe by the Lord Crumwell, Archbushopps, Bushopes, Deans, etc., how the people ought to be instructed concerning the vij Sacramentes and against the Popes supremacie, seigned with all theire handes.

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[1] 'in Sussex,' Ag. 45.

[2] 'mounkes,' Ag. 45.

[3] 'and mites,' Lat. 323; 'and mittes,' Ag. 45.

[4] 'brought,' Lat. 323, Ag. 45.

[5] Ag. 45, f. 32*v*.

[6] '3,866$^{l}$,' Lat. 323, Ag. 45.

[7] 'in Insula,' Lat. 323, 'Insula' being written over 'sula' (struck through). 'in Insula,' Ag. 45.

[8] Altered to 'scite' in Lat. 323 by another hand. 'Scite,' Ag. 45.

[9] Lat. 322, f. 101.

[10] 'of' after 'minute,' Lat. 323, Ag. 45.

[11] 'towardes,' struck through after 'fragments,' Lat. 322.

Two in theire sermons conteyned[1] Purgatory.

A[2] sermon made by Mr Shipp[3] in the Kinges Chappell uppon Passion Sunday.

A sermon the last Ester Munday by Mr[4] Harack, a Frere of ye Friers Prechers in Norwich.

The coppy of a lettre of exhortacion with an answere of the same from Raineham.

A[5] booke which intreateth of obedience to Princes.

Against the vicious lyffe of Prelates and other Curates.

A sermon uppon the psalme *Nisi Dominus sanctificauerit,*[6] etc.

Matters touching the Kings prerogatiue.

The iij manners of pereishood.[7]

Salvacion cometh by thobservance of the viijth[8] Sacramentes, a discourse therof.

Of diuerse herisies heretofore reputed not to be herisies.

A dialoug what[9] be bound to beleeve as things necessary to salvacion and what not.

A sermon uppon theise wordes, *Quis ex vobis me arguet de pecato?*

Simul legata.

[Quartus[10]] Statutes[11] appointed by H. 8 for the College in Oxford which was called Cardinall Colleg.

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[1] 'mayntayned,' Lat. 323; 'maintained,' Ag. 45.

[2] Ag. 45, f. 33.

[3] 'Skipp,' Lat. 323; 'Skip,' Ag. 45.

[4] 'Mr' not in Lat. 323, Ag. 45.

[5] Lat. 323, f. 19.

[6] 'edificauerit,' Ag. 45.

[7] 'preisthood,' Ag. 45.

[8] *Sic* in Lat. 322. 'vij,' Lat. 323, Ag. 45.

[9] 'we' after 'what,' Ag. 45.

[10] Supplied from Lat. 323, Ag. 45.

[11] Ag. 45, f. 33*v*. The first 11 items of this section in Lat. 323 (i.e. exactly the remainder of f. 19) are in Squyer's hand, being written in a blank left by the original writer.

Bulla Clementis Pape confirmacionis Collegii Cardinalis Eboracensis in Oxonia.

Carta Ducis Norfforlf [1] de Felixtowe in comitatu Suff. Thome Cardinali Eborum.

Bulla Clementis Pape de exemptione Collegii Cardinalis in Oxonie.[2]

The Kings assent for therection of Cardinall Colleg in Oxford.

Confirmacio permutacionis preceptorie Staneford facta per Margistrum [3] Hospitalis Sancti Johannis Jerusalem ad Thomam Cardinalem Wolsey.

Lettera attornata Johannis Higdon, Decani Collegii Cardinalis, Oxon., pro Wallingford et alii [4] terris collatis per Cardinalem Wolsey Collegio suo de Oxford ad recipiend' inde possessionem pro dicto Collegio.

Relaxacio facta Collegio Cardinali, Oxon. pro Tiptre pro Antht.[5] Darcy.

Suff. Concessio Willelmi Capon, Decani Collegii Cardinalis Gipwici facta Thome Duci Norff. et aliis de Prioria de Felixtowe et aliis in feodi firma pro xx annis.

Indentura facta inter Reverendum in Christo Patrem etc. et Johannem Higdon, Decanum Collegii Cardinalis, de deliberacione evidenciarum prout infra.

Eborum An [6] indenture of sale made to the Lord Cardinall of the lordships of Lepington and Barthrop in the com' [7] of York by S^r^ Antoney Ughtred.[8]

Concessio [9] Lord Coniers pro advoca-

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[1] *Sic.* 'Norffolk,' Lat. 323.

[2] 'Oxonia,' Lat. 323.

[3] *Sic.* 'Magistrum,' Lat. 323, Ag. 45.

[4] 'aliis,' Lat. 323, Ag. 45.

[5] 'Anthon,' Ag. 45.

[6] Lat. 322, f. 101*v*.

[7] *Sic.* 'Countie,' Lat. 323.

[8] The insertion in Squyer's hand ends here.

[9] Lat. 323, f. 19*v*.

cione et[1] iure patronatus ecclesie de Rudbye.

Kanc. Dimissio manerii de Tunbrig in Kanc.

A register of certeyn bookes of assurances of landes belonging to Cardinall College.

Simul legata.

Quintus. Eight bookes of Clement Armestronge[2] workes against Popish ceremonies.

Simul ligata.

Sextus. A discourse that Peter is not the head of the Church.

Reasons for the Popes dignitie.

A[3] discourse against the Pope.

Argumentes from ye Ould and New Testament for the proouf of the Popes autoritie.

A minute of a discourse against the Pope.

The protestantes of Germany, their lettre against the Popish Church.

Articles for preistes unlearned against the Pope.

Articles concerning the power of the Bushoppe of Rome.

A generall Councell may be kept provinciall.

Minutes[4] touching sending of the[5] Bushopps and others to perswade men that the Pope hath not[6] power in England.

Villa[7] nepotis doctoris London contra Papam etc.

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[1] Ag. 45, f. 34.

[2] 'Armestronges,' Lat. 323, Ag. 45.

[3] 'A short,' Ag. 45.

[4] Ag. 45, f. 34*v*.

[5] 'the' struck through in Lat. 323; 'of the' not in Ag. 45.

[6] 'noe,' Lat. 323, Ag. 45.

[7] *Sic* in Lat. 322 and Lat. 323. 'Billa,' Ag. 45.

Papa non potest dispensare contra precepta decalogi.

A fragment of a booke of the Popes great dignitie. Latin.

Rationes monentes ne temere ab ecclesie [1] deficiamus.

In que se extendit Papatus.

A dialogue against the Pope.

Papa non potest dispensare contra verbum divinum.

Elections and investure of Bushopes belongeth to the King onely.

Articles devised by the most reuerend father in God tharchbusshopp of York concerning the justice of the title of supreame head apperteyning to the Kinges Highnes onely and imediatly under Crist in earth of the whoale Chirch of England.

Quod Rex et non Papa est supremus in Regno Anglie probatur.

Qualem auctoritatem habunt Episcopi in Anglia et contra Papam.

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Nota That [2] non hath autoritie to expound the doubtes of Scripture and to bind the people to beleeve that exposicion but the uniuersall church gathered by auctoritie of Kinges and Princes etc.

An invective [3] against the people.[4]

Nota The [5] Deane of the Chappell, his booke
Nota against the Pope.

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[Septimus[6]] A [7] minute of a sermon of predestinacion, freewill and prescience.

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[1] 'ecclesee,' Lat. 323; 'ecclesia,' Ag. 45.

[2] Lat. 323, f. 20.

[3] 'inventory,' Ag. 45.

[4] 'pope,' Lat. 323, Ag. 45.

[5] According to Ag. 45 this and the preceding item were 'Simul ligata'.

[6] Omitted in Lat. 322, supplied from Lat. 323 and Ag. 45.

[7] Ag. 45, f. 35, with 'nota' in the margin.

Comon places of Scripture fitt for a preacher.

A tretize concerning how Christ shalbe knowne.

A perswacion for the propagacion of the word of God.

A coppy of a sermon whose text is, *Reddite que sunt Cesaris, Cesari.*

An induccion to concord to the people of England.

Sr Anthony Cookes book dedicated to King H. 8 concerning faith.

The Kings lettre declaring that he hath caused to be printed a book uppon The Institution of a Cristian.

A [1] treatize of iustificacon by fayth and a good discourse for and against Purgatory.

Tractatus de libero arbitrio.

Salvacion, iustificacion,[2] praying to images, comendacon of [3] purgatorie, Scali celi, etc.[4]

A sermon uppon *Quis, putas, esse maior in regno caelorum?* Against pride etc. Doctor Harcocke of Norwich, a frier, preched this sermon in the Greene Yard about curates lyvinge [5] to be amended in London.

The exposicion of a prophesie uppon St James wordes, that wee are iustified by workes.

A [6] discourse of obedience to the ministers of the Church.

A sermon uppon the 12 of Mathew, *Ecce puer meus,* etc.

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[1] Lat. 322, f. 102.

[2] '& commendacion of' added above the line here in Ag. 45.

[3] 'comendacion of' not in Ag. 45. See proceeding note.

[4] 'and honoring sayntes' after 'etc.,' Ag. 45.

[5] 'lyvinge' (*bis*), Lat. 322.

[6] Ag. 45, f. 35*v*.

A popish sermon made uppon this texte, *Qui timetis Dominum, laudate eum.* Defending freewill, that faith iustifieth not purgatorye, pilgrimages, worshipping S$^{tes}$, worshipping images, etc.

Thomas Swinerton, of tropes & figures.

The epistle that Cardinall Sadolete, Bushop of Carpentrace sent to the Senate and people of Genva,[1] wherein he laboureth to bring them againe into y$^{e}$ obedience of the [2] Bushop of Roome.

Erasmus lettres.

The excuse of a certeyne man to my Lord that he is not a Papiste.

Comendacion of the Schithyan language to be necessary for the interpretacion of Scripture.

La [3] proposicion de la uniuersite de Paris par maistre Johan Broussant.

Common places out of the Scripture.

Ex Marco Anthonio Sabellico.

Comentarii Juris Canonici.

The coppy of a sermon of the Resureccion of Christ.

Declaracio quid sit oracio vocalis.

An exposicion or sermon uppon theise wordes, *Iusticia et iudicium preparacio sedis eius.*[4]

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Octavu[5] 8 A [6] bundle of bookes written as is supposed by Archbushop Cranmer and Bushop of Bath in defence of the Kings title of supreame heade and if [7] the diuors from his 1st wief Katherine, Dowger, and against Cardinall Poole.

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[1] 'Geneva,' Lat. 323.

[2] 'of y$^{e}$ of the' for 'of the,' Lat. 323.

[3] Lat. 323, f. 20*v*.

[4] 'Simul ligata,' Ag. 45.

[5] 'Octavus,' Ag. 45.

[6] Ag. 45, f. 36, with 'nota' in the margin.

[7] 'of,' Lat. 323, Ag. 45.

Simul ligata,[1] and an answer to Cocleus.

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Nonus Touching the statutes and other things aboute Cardinall Colleg in Oxford.

Simul ligata.

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Decimus De instrutione[2] Principis. Deficit.[3]

What manner of one a Prince ought to be. Deficit.[3]

Princes not to be flatered in vices. Deficit.[3]

Councell touchinge the autoritie of a Prince in which is sett downe that Bushops are but Princes ministers.

What a King, What a Tyrante. Deficit.[3]

Howe to reforme the Realme in setting them aworking and to restore tillage.

Simul ligata.

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Undecimus A discourse whether a man may mary his brothers weife. Nota

De prohibtis[4] et miesis[5] nuptiis declaracio.

Concerning[6] the Kinges diuorce.

The[7] coppy of Pope Julius Bull of dispensation for the mariage of H. 8 to his brothers wief.

A discourse concerning the Kinges diuorce.

Minuta pro matrimonia[8] Regis.

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[1] Simul ligata' not in Ag. 45.

[2] 'instructione,' Lat. 323, Ag. 45.

[3] Margin of Ag. 45, in a later hand: 'Quere in pixide de Sancto Georgio et Sancto Michaele' (cf. *sup.* pp. 303-4).

[4] 'prohibitis,' Lat. 323, Ag. 45.

[5] *Sic* in Lat. 322. 'imesis,' [*sic*] Lat. 323; 'incestis,' Ag. 45.

[6] Lat. 322, f. 102*v*. [7] Ag. 45, f. 36*v*. [8] 'matrimonio,' Ag. 45.

Minutes concerning the Princes Dowger which was divorced from H. 8.[1]

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Duodecimus A discourse of the Sacramentes, how many there be.

Howe wee ought to beleeve of the Eucharist or Lordes Supper.

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Articles [2] of iustification.

Concerning the Sacramentes of Holy Orders.

Of confirmacion.

Of the Sacramentes.

Concerning the Sacramentes of matrimoney.

The sence and interpretacion of the nynth article.

Simul ligata.

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[Tercius Decimus [3]] The inhibicions made by the Bushoppe of London against Doctor Latimer for preaching.

The [4] Conuocation House against Frere Standishe.

The assente of the Freres of Detford and the Conuente unto actes made concerning the Kinges succession and auctoritye.

Articles devised by the Archbushope of York against the Pope and for the Kings supremacy.

Thomas Beckettes articles, which he allowed or refused.

The hippocrisie and danger that commeth to Kinges by fained religiouse.

The submission of the clergie to the Kinges Highnes.

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[1] 'Simul ligata,' Ag. 45.

[2] Lat. 323, f. 21.

[3] Omitted in Lat. 322, supplied from Lat. 323 and Ag. 45.

[4] Ag. 45, f. 37.

The declaracion that a general Counsaile may be keapt provinciall.

A declaracion againste the spirituallity for not permitting y^e bill [1] to be translated.

An invective against the clergie for hindring y^e translacion of the bill.[1]

A book against the clergie for taking excessive fees.

A defence of ceremonies.

What pardons the pilgrimes that come to S^t Thomas of Canterburies shire [2] shall have.

Directum [3] Constantini factum presente omni senatu populoque Romano.

Articles concerning the power of the Bushopp of Rome.

For to send for the Bushopes and to exhort them to sett fourth the Kinges stile against the Pops.[4]

Declaratiuncle [5] contra natalem Bedam.

The effect of the acte concerning the restrainte of appeales to the Courte of Roome.

A treatize intitled The Prouerse [6] Church.

De iure diuino est quod clerici non conveniantur coram iudice seculari.

As longe as the dreggs of Roome remayne Godes service cannot be established, which is ascribed [7] heere.

Simul ligata.

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Quartus Decimus The [8] inventory of the Gray Freyares at Ypswich.

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[1] *Sic* in Lat. 322. 'bible,' Lat. 323, Ag. 45.

[2] 'shrine,' Ag. 45.

[3] Ag. 45, f. 37*v*, which has 'Decretum.'

[4] 'Pope,' Lat. 323, Ag. 45.

[5] 'Declaratiuncule,' Lat. 323, Ag. 45.

[6] 'perverse,' Lat. 323, Ag. 45.

[7] 'described,' Ag. 45.

[8] Lat. 322, f. 103.

Inventorium bonorum et catellorum pertinentium ad domum Dei Devor'.

An [1] inventory of the Priory of the New Work of S. Martines in Dovoyre.

Eborum The description of the monastery or Priory of Bridlinton.

A [2] preface to a mappe of navigation presented to King H. 8.

Bathon' et Wetten' [3] dioces, status ecclesiarum catheralium [4] et religiosorum hocorum [5] per doctorem Ricardum Wolman, Cancellarium ibidem.

Iniunctions made by the King for visiting and governing religious houses.

A draught of a comission for the visiting of Abbayes etc. and for the reformacon of theire abuses.

Instruccions of the houses to be altered and dissolued.

The draught of the Kings lettres patentes creatinge an Abbay to be a Busshoprike, I thinke of Peterborough, etc.

A coppy of the resignation of the Prior [6] of Mountioy.

A view of the Priorys and munners [7] suppressed in the countie of Warr.

Of the erection of certeyn new Busshoprickes and Collegiat Chirches.

The late monastery of S^t^ Wythines [8] in Winchester in the county of Southampton.

A devise how the curates of London may be provided of sufficiente livinges.

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[1] Lat. 323, f. 21*v*.

[2] Ag. 45, f. 38.

[3] *Sic* in Lat. 322 and Lat. 323; 'Wellen,' Ag. 45.

[4] 'catherralium' altered to 'cathedralium,' Lat. 323; 'cathedralium,' Ag. 45.

[5] 'locorum.' Ag. 45.

[6] 'Priory,' Lat. 323.

[7] *Sic.* 'munnerys [*sic*],' Lat. 323; 'nunneries,' Ag. 45.

[8] *Sic.* 'S$^t$ Swythines,' Lat. 323; 'S$^t$ Swithines,' Ag. 45.

Reasons alleadged by tharchbushop of Canterbury whi he ought not to incurre the Premunire[1] because he consecrated the Bushop of Assaph before licence yeaven by the King.

Visitacio[2] Abbatie de Manisbyre et corruptio Abbatis et monachorum.

Bulla provisionis Episcopatus Torn' pro domino Ludovico.

Simul ligata.

Quintus decimus. A sermon upon *In principio erat verbum*, etc., and treated[3] whether a man mary his brothers wief.

A sermon preached at Paules Crosse uppon *Omnes peccauerunt et egent gracia Dei.*

An exposicion uppon theise words, *Et erunt signa*, etc.

An exposicion uppon theise wordes, *Fratres mei charissimi, gaudete in Domino semper*, etc.

Res[4] licita et debita non est tollenda propter abusum.[5]

A declaracion of the article of iustificacion, that[6] is An advertizment how to reforme religion.

An exposicion of S^t Paules wordes, *Adhortor vos, ne in vacuum graciam Dei recipatis.*[7]

Sermo pro feriis Rogacionum.

A sermon uppon theise wordes, *Quis ex vobis arguet me ex*[8] *peccato?*

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[1] 'Premmuire,' Lat. 323.

[2] Ag. 45, f. 38*v*.

[3] *Sic* in MSS.

[4] Lat. 323, f. 22.

[5] 'Y^t is, an advertisement how to reforme religion,' Ag. 45, after 'abusum'.

[6] 'that is . . . religion' not in Ag. 45 here. See preceding note.

[7] recipiatis,' Lat. 323, Ag. 45.

[8] *Sic.*

A sermon upon theise wordes, *Nolumus, fratres, vos ignorare de dormentibus.*[1]

De homine et eius natura, quomodo caro insurgit contra spiritum.

A[2] fragment of the exposicions[3] of the Creed.

Places of Scripture and exposicions of the same.

An exposicion uppon theise wordes, *In principio erat verbum.* bis.[4]

An exposicion uppon theise wordes, *Ascendit in cor eius*, etc.

An[5] exposicion uppon theise wordes, *Thy will bee donne.*

An exposicion uppon theise wordes, *Rogamus et obsecramus.*

An exposicion uppon theise wordes, *Our Father which art,*[6] alias *The Lordes Praier.*

Simul ligata.

[Sextus Decimus[7]]. The opinion of Bushops of the Sacrament of matrimony, which is here highly comended.

Articles to bee propounded in the Coniocacon.[8]

Admonicion geven by the King to all Justices etc. to sett fourth and to mainteyne the Kings title of supremacy, etc.

The Kinges writt to the Bushopes commanding them to have regard to place good prechers in theire dioces.

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[1] Margin of Lat. 323 and Ag. 45 : 'Latin.'

[2] Ag. 45, f. 39.

[3] 'exposicion,' Lat. 323, Ag. 45.

[4] *V. sup.*, p. 327.

[5] Lat. 322, f. 103*v*. This item is not in Ag. 45.

[6] '*which art*' not in Lat. 323 or Ag. 45 (which has 'etc.' after 'Father').

[7] Omitted in Lat. 322. Supplied from Lat. 323, Ag. 45.

[8] *Sic* in Lat. 322. 'Comocacon [*sic*],' Lat. 323 ; 'Conuocacion,' Ag. 45.

The[1] coppie of an Act of Parliament against pilgrimages, supersticious worshippinge of images and reliques.

An Act devised by the clergy against heresies misliked.

An Act of Parliament concerning the true understanding of scripture.

The answere of the ordinarys to the worshipfull Commons in this present Parliament.

Matters concerning decencie in apparell of the clergie.

Iniuction [2] for the clergie.

Iniunctions deuised by the Lord Crumwell, Vicegerent to y^e^ King for all his jurisdiction ecclesiasticall.

Iniuctions deuised in a synod, especially against Luthers and his accomplesheis [3] bookes and the New Testament in English, tempore H. 8.

A devise how wills should be proved, allowed by Cardinall Wolsey.

Iniunctions [4] sett out by Cardinall Wolsey for the choys of fitt men to governe the clergie.

How Deanes ought to be chosen.

How [5] and what pointes of religion the people are to be instructed.

A draught of a proclamacion how the people should be instructed in religion.

An instruction for Christen people, to be reade on Sundaye [6] & holidayes by diuerse porcions.

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[1] Ag. 45, f. 39*v*.

[2] *Sic* in Lat. 322 and Lat. 323, for 'Iniunction'. This item is not in Ag. 45.

[3] 'accomplesies,' Ag. 45.

[4] Lat. 323, f. 22*v*.

[5] Ag. 45, f. 40.

[6] 'Sundays,' Lat. 323; 'Sondaies,' Ag. 45.

A youth to learne the Creed and x Commandementes.

Simul ligata.

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The [1] Bedle declaring that publicacion of the Kinges mariage was made openly in the Consistary.

Thomas Bedle declaring the obstinacy of the munkes of Sion against the Kinges supremacy.

S^r^ Edward Nevells last confession.

Trayterous wordes spoken by the Vicar of S^t^ Clemens in Cambridge.

S^r^ Peers Dutton, knight, declaring why he forbeare to hang upp traytors.

Andrew Pillotes examination against the Bushop of Lincoln.

The [2] Warden of the Gray Fryers shewing who ministred to Frere Foreste.

The examinacion for wordes spoken by a Frere in Lewton [3] Abbay.

A presentment against William Sewes [4] for shewing [5] against holy water and the masse at Rotherham.

The Abbot of Garadon and Bower for treasonable wordes.

The Councell of the North about the examinacion of a treator.

Simul ligata.

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Lettera [6] attornata facta per [7] A. Domar [8] de Valenc, Comitem Pembroch, ad [9] tractandas causas suas in parliamento Parisis.

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[1] *Sic* in Lat. 322 and Lat. 323. 'Tho': Ag. 45.

[2] Ag. 45, f. 40*v*.

[3] 'Lenton,' Lat. 323, Ag. 45.

[4] 'Senes,' Lat. 323, Ag. 45.

[5] 'speakeinge,' Lat. 323; 'speaking,' Ag. 45.

[6] Lat. 322, f. 104.

[7] 'Ad,' struck through, after 'per,' Lat. 323.

[8] *Sic* in Lat. 322 and Lat. 323. 'Adomar,' Ag. 45.

[9] 'ad' (*bis*), Lat. 323, with the first struck through.

De morte pucelle Francie.

Lettera obligatoria pro consilio prestando in Curia Christianitatis.

Moniales de Fontenerand du Paris dicunt Regi Anglie, Miserere nobis.

Excommunicacio Raymundi, Comitis de Theless', etc.

Denarii[1] prestiti per mecatores[2] de Bard', E. 1.

Responsio[3] legatis Regis H. 3 domino Regi facta a Curia Romana.

Wiltes. Oblaciones Penticostales subtracte ab ecclesia sacrum.[4]

Concordia inter Henricum tercium, Regem Anglie, et Regem Norwegie.

CC$^{li}$[5] pro equo, E. 1.

Rex scribit legato suo Rome, quod placeat Pape sibi concedere quod consistet[6] 11,000 merc' que fuere Falkasii de Breaut rebellis. Aº xj H.3.

Lettera missa Johannis[7] de Kirkby, Thesaurario Anglie, de occurentibus Italie.

Lewellinus, Princeps Wallie, attornat diuersos ad homagium prestandum domino Regi.

Certificacio nobilium regni facta E. 1 de morte patris sui H. 3 cum desiderio quod accelerat domum.[8]

Scribit Rex E. 1 Guidoni, Comiti Flandrie, quod bona per Margaretam matrem suam arrestata de mercatoribus Anglie excedunt summam bonorum Flandrensium arest' in Anglie[9] 4755$^{li}$ 17$^{s}$, et denunciat quod non vult ulterius pati dilaciones pro solucione dictorum denariorum.

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[1] Ag. 45, f. 41.

[2] 'mercatores,' Ag. 45.

[3] Lat. 323, f. 23.

[4] 'Sarum,' Ag. 45.

[5] 'date' after 'CC$^{li}$,' Ag. 45.

[6] 'confiscet,' Ag. 45.

[7] 'Johanni,' Lat. 323.

[8] 'domi,' Lat. 323, Ag. 45.

[9] 'Anglia,' Ag. 45.

Diuersi de regno Sicillie rogant H. 3 ut acceptet domum[1] Pape de dicto regno fratri suo factum et quod festinet in sublivamine eorum.

Concessio Regis facta filio suo Thome de Wodstoke de officio Constabularis Anglie cum feodis, a° l. H. 3.

Simul ligata sicut lettere.

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Stuffes and ornamentes of Freeres[2] howses left for the Kinges use by the Lord Visitor uppon theire dissolucion.

The Priors of Pountfrett, Newburgh and Malton will surrender theire howses.

Cardinall Wolseys comission yeoven to the Bushop of Cicester to visit Beham[3] Abbay.

The inventory of the Friers in[4] Oxford and the names of them which desire capasities.

Doctor[5] Capon to Cardinall Wolsey about dissolvinge of Cardinall College att Ypswich, founded by the sayd Cardnall.

The graunt of the founder of the Friers Preachers within Beverley.

A note concerning monasterys, y$^{t}$ the lawe is that the King may take theire landes if they keepe not theire foundacion.

Freere[6] William Storme desiring to be deliuered of the Fleete, comitted for commending going on pilgrimage, worshipping of images, etc., and he will recant.

From Peter Wattes, one[7] of the Charter

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[1] 'donum,' Ag. 45.

[2] 'Freere,' Lat. 323, Ag. 45.

[3] 'Begham,' Lat. 323, Ag. 45.

[4] 'of,' Ag. 45.

[5] Ag. 45, f. 41*v*.

[6] Lat. 323, f. 23*v*.

[7] 'one' (*bis*), Lat. 322.

House, for the Kinges licence to be obtayned for his capacitie.

Nichalas Rawlins, monke of the Charter House, London, desiring to be a secular preist againe.

William Hibard, prest, excusing that he preached nothing erroneous at Bristol.

Simul ligata sicut lettere.

Harmon[1] Rynge iiij° nonas Octobris, in rebus in[2] Lutheranis, for stayinge thutterance of sedicious bookes against H. 8 at Frankford.

Posicions against the Popes supremacie and auctority.

To avoyd variances betweene curates and theire parishners.[3]

Quo modo tractandum in Generali Consilio.

A dispensation for to have many benifites[4] by Pope Alexander.

Statutes and orders deuised against idolatry, th' Popes supremacie, lawyers, and clerkes excessive fees.

Iniuctions[5] to bring in all hereticall bookes and to forbeare disputing of religion.

Totus ordo Nigrorum Monachorum in Anglia supplicant Cardinali Wolsey quod non astringantur ad custodiend' seueras regulas Ordinis[6] sui Sancti Benedicti.

Reasons against the Popes[7] auctoritie for dispencacions.

Laicus non debet surrogare loco Episcopi.

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[1] Lat. 322, f. 104*v*.

[2] 'in' not in Ag. 45.

[3] 'parishoners,' Ag. 45.

[4] 'benefices,' Ag. 45.

[5] 'Iniunctions,' Lat. 323, Ag. 45.

[6] Ag. 45, f. 42.

[7] 'Pope,' Ag. 45.

A nice opinion of Wycklyves opinions against the Church of Roome.

Articles prescribed to the Archb. of York how he and the clergie ought to behawe[1] themselves in preaching. A° 8[2] H. 8.

An other[3] to be ministred to the fellows of All Soule[4] College to observe statutes herin mencioned, devised by H. 8.

Seremonies are to be kept for the loue of God, etc.[5]

A minute of a comission geaven by the King H. 8 to treate peax with Charles Themperour and other Princes, and against Luther's religion.

Decretum imperiale quomodo tractandum de religione in Consilio.

Quantum mihi videtur querimonia clerici de diuersis.

About translating the New Testament beyond seas.

My Lord Bushope of Hereford, xx° Julii, aboute[6] to be printed for the Kings bussines.

Richard Crocke of Bughby[7] declaring how he hath preached against the Pope & wheare.

The[8] foundacions of Whitbye Abbay.

John Baxter's deuise to redresse a Commen Wealth.

William Cutler against the Pope, his reasons very sensible.

The[9] Bushoppe of Canterbury the xx^th[10] of July allowing of the Primer printed.

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[1] 'behave,' Lat. 323, Ag. 45.

[2] '28,' Lat. 323, Ag. 45.

[3] *Sic* in Lat. 322; 'othe,' Lat. 323, Ag. 45.

[4] *Sic* in MSS.

[5] 'etc.' not in Ag. 45.

[6] 'bookes' after 'aboute,' Ag. 45.

[7] 'parson of Bugby,' Lat. 323, Ag. 45.

[8] Lat. 323, f. 24.

[9] Ag. 45, f. 42*v*.

[10] 'xxj,' Lat. 323, Ag. 45.

Qui debent interesse in Consilliis.

Collections out[1] the extravagant.

Wise intelligences about King H. 8thes second wief.

Morisons lettres menconing what he hath written against the Pope.

Simul ligata sicut lettere.

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St. 11 Doctor London to my Lord of the 8th of Julii, declaring his survey of the Friers of Oxford.

Doctor London declaring what reliques he found at Cauersham.

Doctor London to Mr. Wrioth of the 8th[2] of Julii, with the submission of certeyn[3] the Freers of Oxford.

Doctor London declaring[4] the suppression of religious houses at Coventry and Combe.

Doctor[5] London declaring the suppression' of the Freers at Redding.

The surrendar of the Frears at[6] Warwick by Doctor London.

Doctor London aboute the suppression of the Nunnerie of [7].

Doctor London's lettres, yt[8] howses of religion he had suppressed.

St Ursua[9] had three heades.

Mayden Cutborough.

Doctor London to the Lord Crumwell touching Redding reliques.

T[10] my Lord D.[11] S. from Mr Doctor London for the[12] somme of the ornamentes of Abindon to be geven to the College of Wallingford.[1]

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[1] 'out of,' Lat. 323, Ag. 45.
[2] 'vij,' Ag. 45.
[3] Supply 'of.'
[4] 'declaring' (*bis*), Lat. 322.
[5] Lat. 322, f. 105.
[6] 'Redding,' struck through after 'at,' Lat. 322.
[7] Blank in MSS. for name, followed by 'nescio' in Ag. 45.
[8] 'ye,' Lat. 323; 'declaring the,' Ag. 45.
[9] 'Ursusa,' Lat. 323; 'Ursula,' Ag. 45.
[10] *Sic.* 'To,' Lat. 323, Ag. 45.
[11] 'P,' Lat. 323, Ag. 45.
[12] 'the' is struck through in Lat. 323.

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Thabbot[2] of S^t Mary Abbay beside York appealing from the Archb. of Yorkes iniunctions for his woeman he kept.

From my Lord of Linc. the 1 of Aprill contra Lutheranos.

George Jayne to M^r Latimer affirming that soules live[3] not idle untill doomes day.

The effecte of B. of S^t Davies sermon.

Collections by prooctors[4] pro fabrica ecclesie Rome.

A pasquille in Italian.

William, Archeb. of Canterbury thankinge Cardinall Wolsey for a jewell very rich, sent to be offred to S^t Thomas of Canterbury.

Doctor Leighe declaring the surrender of Muchelney Abby and incontinencie of thabbot.

The name of such as have licence to live in adultery for Mary.[5]

The[6] sodometree of the munkes of Lanthony.

Gervase Thindall against one that preached corruptly.

An inventory of the fayned reliques, etc. of thabbay Fiscumpme,[7] Normandie.

Two fryers desire licence of the King to coniure.

Of the incontinencie of nunes of Sheire[8] Nota. and friers etc., when the[9] haue comitted lecherie and presently shreuen the[1] are presently reconsiled to God.

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[1] 'Simul ligata sicut lettere,' Ag. 45.

[2] Ag. 45, f. 43.

[3] 'lye,' Lat. 323.

[4] 'proctors,' Lat. 323, Ag. 45.

[5] Altered to 'Mary' from 'money,' Lat. 322. 'money,' Lat. 323, Ag. 45.

[6] Lat. 323, f. 24*v*.

[7] 'of Fiscampe,' Ag. 45.

[8] 'Shene,' Ag. 45.

[9] 'they,' Ag. 45.

The Bushope of Worcester concerning Freere Barkley and the bloud of Hales.

Thomas Agard to the Lord Crumwell, his master.

Mr Higdon, Deane of Cardinalls College in Oxford, against them that had hereticall bookes.

Doctor[2] Tregondwell declaring how he had visited certeyn Abbaies, etc., some what of theire dissolut behavior.

B. Linc. to reconsile scholars of Oxford suspected of Luthorisme.

Thomas Evans[3] against sedicious wordes spoken in Gloucershire to Mr Crumwell.

The names of all those that that be attainted with false monne.[4]

Aboute the Holly[5] Mayd of Kente.

From Mr Benett of Sheenesbury[6] the xviijth day of July, about the nonnes of Wilton, to the Cardinall.

M. Charles Wingfeild the xiiijth of Aprill against St Anthonies belles brought by a pardoner.

A[7] false image found at Boxley Abbay at the defacinge therof.

Abiuratio siue recantatio heretici potius fidelis.

The torture of the Inquisicion of Spaigne.

Richard Layton shewinge unrudenesse[8] of the Prior of Lewes and his Conuent

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[1] they,' Ag. 45. [2] Ag. 45, f. 43*v*. [3] 'Evance,' Ag. 45.

[4] 'nonne,' Lat. 323. 'the false nonne' for 'false monne,' Ag. 45.

[5] 'Holy,' Lat. 323, Ag. 45.

[6] 'Shreuesbery,' Lat. 323; 'Shreusbury,' Ag. 45. [7] Lat. 322, f. 105*v*.

[8] 'unrudenesse' added later in Lat. 322 in a reserved blank. 'wickednesse,' Lat. 323; 'the wickednes,' Ag. 45.

& the munkes of Bath, and of foolish reliques.

Doctor Layton his lettre.

Doctor Layton declaring that the Bushope of Chichester had suppossred [1] the Priory of Shelbred for the wickednesse of the munkes.

Simul ligata.[2]

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vj bundles of lettres in Lattyn & English written to King H. 8, Cardinall Wolsey and the Lord Crumwell of intelligences for embasadors and others from beyond seas.

Simul ligata.[2]

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Taxatio [3] spiritualium Episcopatus Lincoln', ignoratur quo tempore.

Feoda militaria pertinencia Honori Glouc. } reponitur forula [4] de tenuris in Recepta.

Libertates Collegii Windsor.[5]

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[1] *Sic.* 'supressed,' Lat. 323; 'suppressed,' Ag. 45.

[2] 'sicut lettere' after 'ligata,' Ag. 45.

[3] Lat. 323, f. 25; Ag. 45, f. 44.

[4] 'in forula,' Ag. 45.

[5] In the margin down the side of this and the two preceding items Lat. 323 has 'Simul Ligat. v [*sic*]' and a cross. Immediately following in Ag. 45, in the same hand, is: 'A great booke couered w$^{th}$ red lether containeing diuerse writtes and warrantes tempore Regis E. 3. / A broad booke bound in vellam white guilded and clasped conteineing diuerse writtes and warrantes concerneing the Prince of Wales, tempore Regis E. $3^{cii}$, haueing this inscription on the head of euery leafe: Cornewall. / Another booke bound in red leather written on the out side, Lr̃es & garrantes du Prince de Gales, Duc de Cornewail & Conte de Chester.' Cf. the extract from Ryl. Lat. MS. 306, *sup.*, p. 299 n. 6.

# APPENDIX.

The following account of the duties and prerogatives of the Vice-Chamberlains and of the records in their charge is printed from S.P. 14/180, no. 99. It is in Squyer's hand throughout, and is endorsed "Mr. Squire of y$^{e}$ Receipt." The volume of State Papers in which it is contained is dated "? 1624":—

> The two Vicechamberlains in y$^{e}$ Court of Receipt of Exchequor haue each of them a key and the Tresorers Clark another, and do keepe:—

The Records of State, Arcana Imperii, as golden leagues, contracts, wills and joyntures of Kinges and Princes, all leagues and principall negotiations of State, forrein and domesticall, till[1] y$^{e}$ Tresorer Salisbery tooke the late papers, and of them made an Office[2] for S$^{r}$ Tho. Wilson his Secretary, w$^{th}$ a fee from the King w$^{ch}$ yet continueth.

They receiue by indenture of the Secretaryes of State all leagues, the last being that of Denmark,[3] the rest ought to be but are not brought into y$^{e}$ Sanctum Sanctorum, where they ought to be kept.

There also they haue y$^{e}$ Assayes of Gold and Siluer, commonly called the triall peeces, wherby the Mint is controlled and do waite on the Lords w$^{th}$ them at y$^{e}$ Triall of y$^{e}$ Pyx.

There are also diuers Regalities of y$^{e}$ Kingdome, as y$^{e}$ Staffe of y$^{e}$ Constabulary, Seales of Alnage, etc.

In y$^{e}$ Abbey Treasory, being late the Chapter House, are the Plea Rolles and Fines and other records of y$^{e}$ Lawe from the Conquest to King Richard the third, w$^{ch}$ the Vice[4] Chamblens[5] exemplify[4] and[4] transcribe to y$^{e}$ subiect and retorne them upon Certiorare under their hands as occasion shew.[4]

In the Pallace Tresory they haue Cardinall Wolseys papers, traytors' euidences, the old stamps for coyne, Pells of Exit[5] and Introitus, bookes of victualling and building, Orders of S$^{t}$ Georg and S$^{t}$ Michaell, Hen. 8$^{s}$ diuorse, and infinite other records of remarkeable consequence.

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[1] An attempt at a word struck through before "till."

[2] The State Paper Office.

[3] Cf. Palgrave, *op. cit.*, iii. 423.

[4] Added above the line.

[5] *Sic.*

They haue also the keping, sizing and deliuering to y$^{e}$ subiect all the Standards of Weights and Measures of England.

They haue the two most antient and most used records of England, viz. the Booke of Domesday and y$^{e}$ Black Booke, the first being a survey of England in y$^{e}$ 20th yere of y$^{e}$ Conqueror.

The second is "De necessariis Scaccarii obseruantiis," and the originall and ground of y$^{e}$ establishenge[1] y$^{e}$[1] manner and proceedings and all y$^{e}$ Officers of the Exchequor. Wherein the oathes of all the Officers of the Receipt are also enrolled antiently w$^{ch}$ the Senior Vicechamberlaine usually administreth to them in presence of y$^{e}$ Tresorer, Chancelor or Comissioners when they are sworne, and entreth therin their admittance.

There is also Lettres of Priuiledge and Exemption, and many Supersedeas to diuers Leiftenants of diuers Sheeres and to London in[1] diuers[1] late[1] ages[1] for the freeing of all[1] those that are resident at the Exchequor from their publique seruice in person or by finding men, armes or money, because they are to attend the Lord Tresorers commands in wayting upon the Treasure w$^{th}$ themselves, horses, men and armes when occasion shalbe.

There are also diuers writts of priuiledges allowed in causes forrein and ecclesiasticall.

The[2] Vicechamblens[3] also haue the keeping of all records of the lawe, viz. Coram Rege, De Banco, Iusticiariis Itinerantibus, Iusticiariis ad forestas, Iusticiariis ad assisas and[1] w$^{ch}$ they copy and transcribe as well to y$^{e}$ subiect as the King.

They haue also y$^{e}$ keeping and use of the Seale of the Courte of Receipt.

They are called in y$^{e}$ Black Book Domestici Regis, and most of them haue liuery or habitation, but all haue fees.

The[4] Vicechamberleyns as Iudges of this Courte of Receipt doe[5] cleane and examine all Tallyes and Innovates of w$^{ch}$ they keepe Rolles.

They waite on y$^{e}$ Court of Common Plees w$^{th}$ y$^{e}$ Book of Domesday upon all issues de hoc ponit se super librum de Domesday and as the Vicechamberlen informs y$^{e}$ Court giues iudgment.

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[1] Added above the line.

[2] In the margin is a cross to draw attention to this paragraph.

[3] *Sic.*

[4] In the margin is a cross to draw attention to this paragraph.

[5] "ex" struck through after "doe."

The [1] Chamberleins haue y$^{e}$ nomination of y$^{e}$ Vicechamberlens, but haue no further to doe w$^{th}$ their Office after they are sworne.

The Chamberlens haue seuall [2] fees of y$^{e}$ King and so haue the Vicechamb[erlens].[3] But they haue no fee nor proffitt out of y$^{e}$ Court for serching, copyeng, exemplyeng [2] or any thing els, but y$^{e}$ Vicechamberlens deuide the proffitt, and keep the keys.

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[1] This and the last paragraph appear to have been added later, although they are in Squyer's hand. They are struck through.

[2] *Sic.*

[3] Torn.

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4. Every such application must be made at least two clear days before admission is required, and must bear the signature and full address of a person of recognized position, whose address can be identified from the ordinary sources of reference, certifying from personal knowledge of the applicant that he or she will make proper use of the Library.

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12. Other books may be obtained by presenting to the Assistant at the counter one of the printed application slips properly filled up.

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# RULES AND REGULATIONS

13. Readers before leaving the Library are required to return to the Assistant at the counter all Books, Manuscripts, or Maps for which they have given tickets, and must reclaim their tickets. Readers are held responsible for such Books, Manuscripts, or Maps so long as the tickets remain uncancelled.

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15. Readers before entering the Library must deposit all wraps, canes, umbrellas, parcels, etc., at the Porter's Lodge in the Vestibule, and receive a check for same.

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17. Readers are not allowed in any other part of the building save the Library without a special permit.

18. Readers and visitors to the Library are strictly forbidden to offer any fee or gratuity to any attendant or servant.

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22. All communications respecting the use of the Library must be addressed to the Librarian.

HENRY GUPPY.

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**The general public are admitted to view the Library on Tuesday and Friday afternoons between the hours of two and six. Visitors to Manchester from a distance, at any other time when the Library is open, will be admitted for the same purpose upon application to the Librarian.**